



# भारत का राजपत्र The Gazette of India

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No. 17]

NEW DELHI, APRIL 19—APRIL 25, 2015, SATURDAY/CHAITRA 29—VAISAKHA 5, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(हिन्दी अनुभाग-2)

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 827.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन मुख्य आयुक्त कार्यालय, केन्द्रीय उत्पाद शुल्क, नई दिल्ली के अंतर्गत आयुक्त कार्यालय केन्द्रीय उत्पाद शुल्क एवं सेवा कर पंचकुला को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फासं ई-11017/1/2015-एडी (हिन्दी-2)]

चन्द्रभान नारनौली, निदेशक (राजभाषा)

MINISTRY OF FINANCE

(Department of Revenue)

(Hindi Section-2)

New Delhi, the 22nd April, 2015

S.O. 827.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby Notifies the Office of Commissioner of Central Excise, Custom and Service Tax, Panchkula of Chief Commissioner office, Central Excise, New Delhi. Under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F.No.E-11017/1/2015-AD (Hindi-2)]

CHANDERBHAN NARNAULI, Director (OL)

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 828.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क आयुक्तालय बड़ोदरा II को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा०सं ई-11017/1/2015-एडी (हिन्दी-2)]

चन्द्रभान नारनौली, निदेशक (राजभाषा)

New Delhi, the 22nd April, 2015

**S.O. 828.**—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby Notifies the Central Excise & Custom Commissioner Vadodra-II. Under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F.No. E-11017/1/2015-AD (Hindi-2)]

CHANDERBHAN NARNAULI, Director (OL)

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 829.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन आयुक्त कार्यालय, सीमा शुल्क (आयात) नई दिल्ली को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा०सं ई-11017/1/2015-एडी (हिन्दी-2)]

चन्द्रभान नारनौली, निदेशक (राजभाषा)

New Delhi, the 22nd April, 2015

**S.O. 829.**—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby Notifies the Office of Commissioner Customs (Import) New Delhi. Under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F.No. E-11017/1/2015-AD (Hindi-2)]

CHANDERBHAN NARNAULI, Director (OL)

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 830.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद शुल्क एवं सेवा कर आयुक्त कार्यालय, फरीदाबाद हरियाणा को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा०सं ई-11017/1/2015-एडी (हिन्दी-2)]

चन्द्रभान नारनौली, निदेशक (राजभाषा)

New Delhi, the 22nd April, 2015

**S.O. 830.**—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby Notifies the Office of Commissioner of Central Excise, and Service Tax, Faridabad Haryana under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F.No. E-11017/1/2015-AD (Hindi-2)]

CHANDERBHAN NARNAULI, Director (OL)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 16 अप्रैल, 2015

**का.आ. 831.**—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ इंस्टीट्यूट ऑफ केमिकल टेक्नोलॉजी नाथालाल पारेख मार्ग, माटुंगा, मुंबई (पैन-एएएटीआई 4915 जे) नामक संगठन को निर्धारण वर्ष 2014-15 और इससे आगे की अवधि के लिए निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगे “विश्वविद्यालय कॉलेज अथवा अन्य संस्थान” की श्रेणी में अनुमोदित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग लेखा बहियां रखेगा जिनमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, ऐसी खाता-बहियों की उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथापरिभाषित किसी लेखाकार

से लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अलग लेखा बहियां रखने में असफल रहता है; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत करने में असफल रहता है; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में यथा उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत करने में असफल रहता है; अथवा
- (घ) अपने अनुसंधान कार्यकलापों को करना बंद कर देता है अथवा इसके अनुसंधान कार्यकलापों को वास्तविक नहीं पाया जाता है; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं० 42/2015/फा०सं-203/13/2014-आकनि-II]

ऋचा रस्तोगी, अवर सचिव

#### (Central Board of Direct Taxes)

New Delhi, the 16th April, 2015

**S.O. 831.**—It is hereby notified for general information that the organization Institute of Chemical Technology, Nathalal Parekh Marg, Matunga, Mumbai (PAN-AAATI4951J) has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2014-2015 and onwards under the category "University College or other Institution", engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;

(ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;

(iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;

(iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts as referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report as referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research as referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 42/2015/F.No.203/13/2014/ITA-II]

RICHARASTOGI, Under Secy.

नई दिल्ली, 15 अप्रैल, 2015

**का.आ. 832.**—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के

खंड (ii) के प्रयोजनार्थ भारतीय प्रौद्योगिकी संस्थान सामंतापुरी, भुवनेश्वर (पैन-एएआई2760ए) नामक संगठन को निर्धारण वर्ष 2014-15 और इससे आगे की अवधि के लिए निम्नलिखित शर्तों के अधीन वैज्ञानिक अनुसंधान कार्यकलापों में लगे “विश्वविद्यालय कॉलेज अथवा अन्य संस्थान” की श्रेणी में अनुमोदित किया जाता है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग केवल अन्य किसी स्ट्रीम के लिए नहीं किया जाएगा। वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग लेखा बहियां रखेगा जिनमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, ऐसी खाता-बहियों की उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अलग लेखा बहियां रखने में असफल रहता है; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत करने में असफल रहता है; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में यथा उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत करने में असफल रहता है; अथवा
- (घ) अपने अनुसंधान कार्यकलापों को करना बंद कर देता है अथवा इसके अनुसंधान कार्यकलापों को वास्तविक नहीं पाया जाता है; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ङके साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं० 40/2015/फा० सं० 203/3/2014-आ०क०नि-III]

ऋचा रस्तोगी, अवर सचिव

New Delhi, the 15th April, 2015

**S.O. 832.**—It is hereby notified for general information that the organization Indian Institute of Technology Samantapuri Bhubaneswar (PAN - AAAA12760A) has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2014-2015 and onwards under the category of "University College or other Institution", engaged in scientific research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized only for scientific research; and not for other streams;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts as referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report as referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research as referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or

- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 40/2015/F.No. 203/3/2014/ITA-II]

RICHA RASTOGI, Under Secy.

नई दिल्ली, 24 अप्रैल, 2015

**का.आ. 833.**—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ पंडित दीनदयाल पेट्रोलिएम विश्वविद्यालय रायसेन, गांधीनगर, गुजरात (पैन-एएबीटीपी3856ए) नामक संगठन को निर्धारण वर्ष 2014-15 और इससे आगे की अवधि के लिए निम्नलिखित शर्तों के अधीन केवल वैज्ञानिक अनुसंधान कार्यकलापों में लगे इसके तत्वावधान के अंतर्गत विभागों/विद्यालयों के लिए “विश्वविद्यालय कॉलेज अथवा अन्य संस्थान” की श्रेणी में अनुमोदित किया गया है, नामतः :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग लेखा बहियां रखेगा जिनमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, ऐसी खाता-बहियों की उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अलग लेखा बहियां रखने में असफल रहता है; अथवा

- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत करने में असफल रहता है; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में यथा उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का विवरण प्रस्तुत करने में असफल रहता है; अथवा
- (घ) अपना अनुसंधान कार्य बंद कर देता है अथवा इसके अनुसंधान कार्य को वास्तविक नहीं पाया जाता है; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं० 43/2015/फा० सं० 203/11/2014-आकनि-II]

ऋचा रस्तोगी, अवर सचिव

New Delhi, the 24th April, 2015

**S.O. 833.**—It is hereby notified for general information that the organization Pandit Deendayal Petroleum University Raisan Gandhi Nagar, Gujarat, (PAN-AABTP3856A) has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from AY - 2014-2015 and onwards under the category of "University, College or Other Institution", for the Departments/schools under its aegis which are engaged in scientific research activities only, subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research in the above fields through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research in respect of concerned Departments and a copy of such



statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research

referred to in sub-paragraph (iv) of paragraph 1; or

- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 43/2015/F.No. 203/11/2014/ITA-II]

RICHA RASTOGI, Under Secy.

### उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 31 मार्च, 2015

**का.आ. 834.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (4) के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

#### अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा भाग	अनु	वर्ष	
1	2	3	4	5	6	7	8	9
01.	एल-2709460	21.07.2014	मै० ओलंपिक सिलैण्डर प्रा० लि०, प्लॉट नं० 147/7/1, 44 फुट रोड, गाँव रोहद, 43 के एम माइलस्टोन के पास, बहादुरगढ़ - 124507, जिला झज्जर, (हरियाणा)	स्वचल उपयोग के लिए द्रवित पेट्रोलियम गैस एल०पी०जी० के धारक	14899	-	-	2000
02.	एल-2708761	25.07.2014	मै० ज़ेवर पैलेस, शॉप नं० 4 ए, एन०एच० 2, 1-2 चौक, एन०आई०टी०, फरीदाबाद - 121001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
03.	एल-2711952	08.08.2014	मै० तरंग ज्वैल्स प्रा० लि०, शॉप नं० 20 और 21, नया तिकोना पार्क, फरीदाबाद - 121001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
04.	एल-2714150	08.08.2014	मै० विशाल ज्वैलर्स, शॉप नं० 19/20, मार्किट नं० 1, एन०आई०टी०, फरीदाबाद - 121001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999

1	2	3	4	5	6	7	8	9
05. एल-2713249	11.08.2014	मै० लवली ज्वैलर्स, मेन बाजार, बादशाहपुर गाँव, जिला गुड़गाँव, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	-	1999
06. एल-2716356	11.08.2014	मै० कैपब्रोस रबड़ प्रोडक्ट्स प्रॉलि, एम सी एफ 176, एस्कार्ट्स हीरियन लि० के सामने, सैक्टर - 24, मुजेसर, जिला फरीदाबाद - 121004, (हरियाणा)	द्रवित पेट्रोलियम गैस (एल०पी०जी०) के लिए रबड़ हौज़	9573	-	-	-	1998
07. एल-2714251	20.08.2014	मै० पी०के० ज्वैलर्स, जी 08, डीएलएफ कुतुब प्लाज़ा, इनर स्क्वायर, डीएलएफ सिटी फेस 1, जिला गुड़गाँव - 122002, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	-	1999
08. एल-2716457	22.08.2014	मै० अजीत प्रकाश एण्ड कम्पनी, सराफा गली, मानक चौक, नारनौल, जिला महेन्द्रगढ़ - 123001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	-	1999
09. एल - 2716558	22.08.2014	मै० अजीत प्रकाश एण्ड कम्पनी, सराफा गली, नारनौल, जिला महेन्द्रगढ़ - 123001 (हरियाणा)	चाँदी एवं चाँदी, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	2112	-	-	-	2003
10. एल - 2717257	27.08.2014	मै० जे०के० सीमेंट वर्क्स, झारली मोहनबारी रोड, झारली माटनहील, जिला झज्जर - 124106, (हरियाणा)	पोर्टलैण्ड पोजेलाना- सीमेंट भाग 1, फलाई एश आधारित	1489	01	-	-	1991
11. एल - 2717358	28.08.2014	मै० हिन्दुस्तान बेवरेजिस, गाँव देवरखाना, जिला झज्जर-124105, (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	-	-	-	2004
12. एल - 2717863	01.09.2014	मै० ईश्वर कुमार राजेन्द्र प्रसाद, 1333/6, सदर बाजार, गुड़गाँव - 122001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	-	1999
13. एल - 2717964	01.09.2014	मै० जय प्रकाश एण्ड सन्स ज्वैलर्स, 819/8, सदर बाजार, गुड़गाँव - 122001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	-	1999

1	2	3	4	5	6	7	8	9
14.	एल - 2718461	01.09.2014	मै० ईश्वर कुमार राजेन्द्र प्रसाद, 1333/6, सदर बाजार, गुड़गाँव - 122001, (हरियाणा)	चाँदी एवं चाँदी आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	2112	—	—	2003
15.	एल - 2718562	01.09.2014	मै० भाई भाई ज्वैलर्स वर्क, शॉप नं० 150, मार्किट नं० 1, फरीदाबाद - 121001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
16.	एल - 2718966	01.09.2014	मै० जय प्रकाश एण्ड सन्स ज्वैलर्स, 819/8, सदर बाजार, गुड़गाँव - 122001, (हरियाणा)	चाँदी एवं चाँदी आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	2112	—	—	2003
17.	एल - 2719059	02.09.2014	मै० सनटाइम होम एप्लाइडस प्रा० लि० धर्म कांटा रोड, मुजेसर, फरीदाबाद - 121001, (हरियाणा)	द्रवित पैट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस चूल्हे	4246	—	—	2002
18.	एल - 2719867	03.09.2014	मै० श्री शक्ति ग्लोबल कोरोगेटर्स प्रा० लि०, प्लॉट नं० 108, सैक्टर - 7, आईएमटी मानेसर, जिला गुड़गाँव - 122001, (हरियाणा)	पैकेजिस फोर एक्सपलो- सिवस भाग 1: कॉमर्शियल हाई एक्सपलोसिव्स	10212	01	—	1986
19.	एल - 2720650	03.09.2014	मै० जे० के० सीमेंट वर्क्स, गाँव बाजीतपुर, डाकघर झामरी, तहसील माटनहील जिला झज्जर - 123305, (हरियाणा)	साधारण पोर्टलैंड सिमेंट 53 ग्रेड	12269	—	—	1987
20.	एल - 2720751	03.09.2014	मै० जैन ज्वैलर्स, चूरी वाली गली, सदर बाजार, गुड़गाँव - 122001, (हरियाणा)	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
21.	एल - 2721450	08.09.2014	मै० जूनून पैकेजिंग, प्रा० लि०, प्लॉट नं० 1134, सैक्टर - 58, औद्योगिक क्षेत्र, फरीदाबाद - 121004, (हरियाणा)	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	—	—	2004



1	2	3	4	5	6	7	8	9
22.	एल - 2722957	11.09.2014	मै० पंकज पैट्रोकेम प्रा० लि०, हिसार रोड, गाँव व डाकघर बहुअकबरपुर, लिंक मोखरा रोड, जिला रोहतक, (हरियाणा)	सिरैमिक टाइल्स और पच्चीकारी में प्रयुक्त आसंजक	15477	—	—	2004

[सं० सीएमडी/13:11]

बिन्दु कुमार, अनुभाग अधिकारी

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 31st March, 2015

**S.O. 834.**—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:—

## Schedule

Sl. No.	Licences No. CM/L-	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part.	Sec.	Year
1	2	3	4	5	6	7	8	9
01.	L-2709460	21.07.2014	M/s Olympic Cylinder Pvt. Ltd. Plot No. 147/7/1, 44. Ft. Road, Village Rohad, Near 43 K.M. Milestone, Bahadurgarh - 124507, Distt. Jhajjar, (Haryana)	Liquefied Petroleum Gas (LPG) containers For Automotive use	14899	—	—	2000
02.	L-2708761	25.07.2014	M/s Zevar Palace Shop No. 4-A, NH-2, 1-2 Chowk, NIT, Faridabad-121001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
03.	L-2711952	08.08.2014	M/s Tarang Jewels Private Limited. Shop No. 20 & 21, New Tikona Park, Faridabad - 121001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
04.	L-2714150	08.08.2014	M/s Vishal Jewellers Shop No. 19/20 N.I.T. 1, Faridabad - 121001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999

1	2	3	4	5	6	7	8	9
05.	L-2713249	11.08.2014	M/s Lovely Jewellers, Main Bazar, Village Badshapur, Sohna Road, Distt. Gurgaon - 122001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
06.	L-2716356	11.08.2014	M/s Kapbros Rubber Products Pvt. Ltd., MCF 176, Opp Escorts Herion Ltd., Sector 24, Mujesar, Distt. Faridabad - 121004, Haryana	Rubber Hose for Liquefied Petroleum Gas (LPG)	9573	—	—	1998
07.	L-2714251	20.08.2014	M/s P.K. Jewellers G. 08, DLF Qutub Plaza, Inner Square, DLF City Phase 1, Distt. Gurgaon - 122002, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
08.	L-2716457	22.08.2014	M/s Ajeet Prakash & Company, Saraffa Gali, Manak Chowk, Narnaul, Distt. Mahendergarh - 123001 (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
09.	L-2716558	22.08.2014	M/s Ajeet Prakash & Company, Saraffa Gali, Manak Chowk, Narnaul, Distt. Mahendergarh - 123001 (Haryana)	Silver & Silver Alloys, Jeweller/Artefacts - Fineness and Marking	2112	—	—	2003
10.	L-2717257	27.08.2014	M/s J.K. Cement Works, Jharli Mohanbari Road, Jharli Matanhail, Distt. Jhajjar - 123106 Haryana	Portland Pozzolana Cement Part 1: Fly Ash Based	1489	01	—	1991
11.	L-2717358	28.08.2014	M/s Hindustan Beverages Village Deverkhana, Distt. Jhajjar - 124105, Haryana	Packaged Drinking Water (Other Than Packaged Natural) Mineral Water	14543	—	—	2004
12.	L-2717863	01.09.2014	M/s Ishwar Kumar, Rajinder Prasad, 1333/6, Sadar Bazar, Gurgaon - 122001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999
13.	L-2717964	01.09.2014	M/s Jai Prakash and Sons, Jewellers, 819/8, Sadar Bazar, Gurgaon - 122001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	—	—	1999

1	2	3	4	5	6	7	8	9
14.	L-2718461	01.09.2014	M/s Ishwar Kumar, Rajinder Prasad, 1333/6, Sadar Bazar, Gurgaon - 122001, (Haryana)	Silver & Silver Alloys, Jewellery/Artefacts-Fineness and Marking	2112	—	—	2003
15.	L-2718562	01.09.2014	M/s Bhai Bhai Jewellers, Work, Shop No. 150, Faridabad - 121001, (Haryana)	Gold & Gold Alloys, Jewellery/Artefacts-Fineness and Marking	1417	—	—	1999
16.	L-2718966	01.09.2014	M/s Jai Prakash and Sons, Jewellers, 819/8, Sadar Bazar, Gurgaon - 122001, (Haryana)	Silver & Silver Alloys, Jewellery/Artefacts-Fineness and Marking	2112	—	—	2003
17.	L-2719059	02.09.2014	M/s Suntime Home, Appliances Pvt. Ltd., Plot No. 4, Dharm Kanta Road, Mujesar, Faridabad - 121001, Haryana	Domestic Gas Stoves for Use With Liquefied Petroleum Gases	4246	—	—	2002
18.	L-2719867	03.09.2014	M/s Shree Shakti Global Corrugators Pvt. Ltd., Plot No. 108, Sector-7, IMT Manesar, Distt. Gurgaon-122001, Haryana	Packages for Explosives Part 1: Commercial High Explosives	10212	01	-	1986
19.	L-2720650	03.09.2014	M/s J.K. Lakshmi Cement Ltd., Village Bajitpur, P.O. Jhamri, Tehsil Matanhail, Distt. Jhajjar-123305, Haryana	53 Grade Ordinary Portland Cement	12269	-	-	1987
20.	L-2720751	03.09.2014	M/s Jain Jewellers, Churi Wali Gali, Sadar Bazar, Gurgaon-122001, Haryana	Gold & Gold Alloys, Jewellery/Artefacts-Fineness and Marketing	1417	-	-	1999
21.	L-2721450	08.09.2014	M/s Junoon Packaging Pvt. Ltd., Plot No. 1134, Sector-58, Industrial Area, Faridabad-121004, Haryana	Packaged Drining Water (Other Than Packaged Natural) Mineral Water)	14543	-	-	2004
22.	L-2722957	11.09.2014	M/s Pankaj Petrochem Pvt. Ltd., Hisar Road, VPO Bahuakbarpur, Link Mokhra Road, Distt. Rohtak, Haryana	Adhesives for use with Ceramic Tiles & Mosaics	15477	-	-	2004

[No. CMD/13:11]

BINDU KUMAR, Section Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 835.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

**अनुसूची**

क्र० सं०	लाइसेंस सं०	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं (भाग/अनुभाग): वर्ष
4	6500003493	20150316	मेसर्स एमसीपी स्टील्स एण्ड एलॉय्स प्रायवेट लिमिटेड एस एफ सं 128-129, सुल्तानपेट्टे रोड, सेलाकरचल गाँव, सुलूर, कोयम्बतूर-641 675	सामान्य संरचना इस्पात में पुनर्वेल्लन के लिए कॉर्बन, ढलवाँ इस्पात बिलेट इंगट, बिलेट, ब्लूम एवं स्लैब	IS 2830:2012
5	6500003392	20150317	मेसर्स कुमरन चेइन शॉप 323, कुमरन एनटीआर कॉम्प्लेक्स सं 1, राजा स्ट्रीट, कोयम्बतूर-641 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन	IS 1417: 1999

[सं सी एम डी/13:11]

एम० सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th April, 2015

**S.O. 835.**—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:

**SCHEDULE**

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
4	6500003493	20150316	M/s. MCP Steel And Alloys Private Limited SF No. 128-129, Sulthanpettai Road, Selakarachal Village, Sulur, Coimbatore-641 675	Carbon Steel Cast Billet Ingots, Billets, Blooms and Slabs for re-rolling into Steel for general Structural purposes	IS 2830: 2012
5	6500003392	20150317	M/s. Kumaran Chain Shop 323, Kumaran NTR Complex No. 1, Raja Street, Coimbatore- 641 001	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	IS 1417: 1999

[No. CMD/13:11]

M. SADASIVAM, Scientist 'F' &amp; Head

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 836.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियमन (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शाई गई तारीख से रद्द/स्थगित कर दिया गया है:—

## अनुसूची

क्र० सं०	लाइसेंस सं० सी एम/एल-	लाइसेंसधारी का नाम व पता	स्थगित किए गए/रद्द किए गए लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्ष	रद्द होने की तिथि
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मार्च 2015-शून्य

[सं सी एम डी/13:13]

एम० सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th April, 2015

**S.O. 836.**—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given in below have been cancelled/suspended with effect from the date indicated against each:—

## SCHEDULE

Sl. No.	Licence No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standard covered by the licence cancelled/suspension	Date of Cancellation
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MARCH 2015-NIL

[No. CMD/13:13]

M. SADASIVAM, Scientist 'F' &amp; Head

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 837.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

## अनुसूची

क्र० सं०	लाइसेंस सं०	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं (भाग/ अनुभाग): वर्ष
1.	6500003089	20150309	मेसर्स मिडास सेफटी प्रोडक्ट्स प्राइवेट लिमिटेड 2/31-A, तेन्मपालयम, अन्नूर रोड, अरसूर, कोयम्बतूर-641 407	औद्योगिक सुरक्षा हेलमेट की विशिष्ट	IS 2925: 1984
2.	6500003190	20150313	मेसर्स ऑलविन पाइप्स 196/1, तोट्टीपालयम रोड, पेरुन्दुरै, ब्लॉक नाडुपट्टी, विजयामंगलम, पेरुन्दुरै-638 056	पेयजल आपूर्ति के लिए अप्लास्टिक पी वी सी पाइप्स	IS 4985: 2000
3.	3500003291	20150316	मेसर्स जे० जे० पम्पस प्राइवेट लिमिटेड 76/1B&2 औरैकालप्लयम, कुन्नतूर पुदुर पोस्ट, कोयम्बतूर-641 107	साफ, ठंडे पानी के लिए अपकेंद्रीय पुनरुत्पादक पम्प	IS 8472: 1998

[सं सी एम डी/13:11]

एम० सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th April, 2015

**S.O. 837.**—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule:—

**SCHEDULE**

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
1.	6500003089	20150309	M/s. Midas Safety Products Pvt. Ltd. 2/31-A, Thennampalayam, Annur Road, Arasur, Coimbatore-641 407	Specification for Industrial Safety Helmets	IS 2925: 1984
2.	6500003190	20150313	M/s. Allwin Pipes, 196/1, Thottipalayam Road, Perundurai, Block Nadupatti, Vijayamangalam, Perundurai-638 056	Unplasticized PVC Pipes for potable water supplies	IS 4985: 2000
3.	3500003291	20150316	M/s. J.J. Pumps Private Limited 76/1B&2. Oraikalpalayam, Kunnathur Pudur (P.O.), Coimbatore-641 107	Centrifugal Regenerative Pumps for clear, cold water	IS 8472: 1998

[No. CMD/13:11]

M. SADASIVAM, Scientist 'F' &amp; Head

नई दिल्ली, 9 अप्रैल, 2015

**का.आ. 838.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

**अनुसूची**

क्र. सं.	लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं (भाग/खण्ड): वर्ष
1.	2902959	6/8/2014	ऑरियंट पैकेजिंग प्लॉट सं० 101/1, शेड सं० सी कदैया विलेज, दमन इण्डो इस्टेट, दमन दमन एवं दीव-396210	एग्रो-वस्त्रादि-वर्मिकलचर के लिए उच्च घनत्व पॉलिथिलीन (एचडीपीई) ओवन बेडस	भा मा 15907: 2010
2.	2903658	7/8/2014	मीराकॉल केबल्स इंडिया प्रा० लि० के 29/2, एडिशन अम्बरनाथ आनंद नगर, एमआयडीसी, अम्बरनाथ पूर्व, थाने-421501 महाराष्ट्र	क्रासलिंकड पॉलीथिलीन विद्युत् रोधी (पीवीसी) आवरित केबल भाग 1, 1100 वो० तक एवं सहित कार्यकारी वोल्टता हेतु	भा मा 7098: भाग 1:1988
3.	2908668	20/8/2014	मौनी एग्रो केमिकल इण्डस्ट्रीज प्रा० लि० प्लॉट सं० ए-78, 79 एवं 80 सिन्नर तालुका इण्डो को-आपरेटिव इस्टेट मुसलगाँव तालुका सिन्नर, जिला नासिक-422112	नीम आधारित ईसी समिश्रित अजादिरचटिन -विशिष्ट	भा मा 14300:1995
4.	2909468	26/8/2014	एफसीजी पावरक्राफ्ट, गली सं० 5, प्लॉट सं० 5, एसआर सं० 36523 प्रीमियर इण्डो इस्टेट, काचीगाम, नानी दमन, दमन एवं दीव-396210	एक्सप्लोसिव ऐटमॉस्फिअर्स-भाग-1 फलेमप्रूफ इनक्लोजन 'डी' द्वारा उपस्कर संरक्षा	भा मा/आईसी 60079:भाग-1: 2007



क्र० सं०	लाइसेंस सं०	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं (भाग/खण्ड): वर्ष
5.	2908870	27/8/2014	प्रकाश एग्रो प्लास्ट गेट सं० 119ए प्लॉट सं० 30 लोनवाडे, मालेगाँव, नासिक-423203 महाराष्ट्र	सिंचाई उपस्कर फुहारा पाईप विशिष्ट भाग 2 शीघ्र युग्मक पॉलीथिलीन पाइप	भा०मा० 14151: भाग-2: 2008

[सं० केन्द्रीय प्रमाणन विभाग/13:11]

टी० कलैवाणन, प्रमुख (एमयूबीओ-ईईई)

New Delhi, the 9th April, 2015

**S.O. 838.**—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:—

**SCHEDULE**

Sl. No.	Licence No.	Grant Date	Name and address (factory) of the party	Product	IS No/Part/Sec. Year
1.	2902959	6/8/2014	Orient Packaging Plot No 101/1, Shed No. C Kadaiya Village, Daman Ind. Estate Daman, Daman & Div-396 210	Agro Textiles-High Density Polythelene (HDPE) Woven Beds for Vermiculture	IS 15907:2010
2.	2903658	7/8/2014	Micracle Cables (India) Pvt. Ltd. K-29/2, Additional Ambernath, Anand Nagar, Midc, Ambarnath-East Distt: Thane-421501 Maharashtra	Crosslinked polyethylene insulated pvc sheathed cables: Part 1 for working voltage upto and including 1100 V	IS 7098 : Part 1 : 1988
3.	2908668	20/8/2014	Mauni Agro Chemical Industries Pvt. Ltd. Plot No. A-78, 79 & 80, Sinnar Taluka Ind. Co-Operative Estate, Musalgaon, Tal: Sinnar Distt: Nashik-422112	Neem based ec containing - azadirachtin specification	IS 14300: 1995
4.	2909468	26/8/2014	FCG Powercraft Gali No. 5, Plot No. 5, SR No. 36523, Premier Ind. Estate, Kachigam, Nani Daman, Daman & Diu-396210	Explosive atmospheres Part 1 equipment protection by flameproof enclosures "d"	IS/IEC 60079 : Part I : 2007
5.	2908870	27/8/2014	Prakash Agro Plast Gate No. 119, Plot No. 30, Lonwade, Malegaon Nashik- 423203 Maharashtra	Irrigation equipment-sprinkler- pipes specification-part 2: quick coupled polyethylene pipes	IS 14151 : Part 2 : 2008

[No. CMD/13:11]

T. KALAIVANAN, Head (MUBO-EEE)

नई दिल्ली, 9 अप्रैल, 2015

**का.आ. 839.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं:—

**अनुसूची**

क्र० सं०	लाइसेंस सं०	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्ष	रद्द करने की तिथि
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कुछ नहीं

[सं० केंद्रीय प्रमाणन विभाग/13:13]

टी० कलैवाणन, प्रमुख (एमयूबीओ - ईईई)

New Delhi, the 9th April, 2015

**S.O. 839.**—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each:—

**SCHEDULE**

Sl. No.	Licence No.	Name & Address of the Licensee	Article/Process with relevant Indian Standard covered by the licence	Date of Cancellation
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NIL

[No. CMD/13:13]

T. KALAIVANAN, Head (MUBO-EEE)

नई दिल्ली, 15 अप्रैल, 2015

**का.आ. 840.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं:—

**अनुसूची**

क्र० सं०	लाइसेंस सं०	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा मा भाग संख्या	अनु वर्ष		
1	2	3	4	5	6	7	8	9
01	7600005011	04 फरवरी 2015	मैसर्स एमको इन्जीनियरिंग को० प्लॉट नं० सी/1, ब्लॉक नं० 2 एवं 3, जी०आइ०डी०सी० उद्योगनगर, गाँव महुवा, जिला भावनगर, गुजरात-364290	आग बुझाने के लिए नान परकोलेटिंग फ्लेक्सिबल डिलीवरी होज-विशिष्ट	636			1988

1	2	3	4	5	6	7	8	9
02	7600005811	09 फरवरी 2015	मैसर्स एस० आर० वुड एंड विनीयर प्राईवेट लिमिटेड सर्वे नं० 57/1 & 57/2, गांव अजापर, जिला कच्छ, गुजरात-370110	ब्लॉक बोर्ड	1659			2004
03	7600006409	10 फरवरी 2015	मैसर्स वंशिका प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 56 (पश्चिम), गांव वरसाणा, तालुका अंजार, जिला कच्छ, गुजरात-370240	ब्लॉक बोर्ड	1659			2004
04	7600006106	10 फरवरी 2015	मैसर्स एस० आर० वुड & विनीयर प्राईवेट लिमिटेड सर्वे नं० 57/1 & 57/2, गांव अजापर, जिला कच्छ, गुजरात-370110	लकड़ी के सपाट दरवाजे के शटर (टोस कोर टाइप) भाग 1 प्लाईवुड के सतह युक्त पल्ले	2202	01		1999
05	7600006308	10 फरवरी 2015	मैसर्स वंशिका प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 56 (पश्चिम), गांव वरसाणा, तालुका अंजार, जिला कच्छ, गुजरात-370240	लकड़ी के सपाट दरवाजे के शटर (टोस कोर टाइप) भाग 1 प्लाईवुड के सतह युक्त पल्ले	2202	01		1999
06	7600006005	10 फरवरी 2015	मैसर्स एस० आर० वुड & विनीयर प्राईवेट लिमिटेड सर्वे नं० 57/1 & 57/2, गाँव अजापर, जिला कच्छ, गुजरात-370110	समुद्री उपयोग के लिए प्लाईवुड	710			2010
07	7600005508	10 फरवरी 2015	मैसर्स आइडियल पंप्स क्लासिक ईंडस्ट्रियल एरिया, गली नं० 2, मालधारी होटल के पीछे, कोठारीया रोड, राजकोट, गुजरात 360004	निमज्जनीय पम्पसेट की विशिष्टि	8034			2002
08	7600006207	10 फरवरी 2015	मैसर्स वंशिका प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 56 (पश्चिम), गांव वरसाणा, तालुका अंजार, जिला कच्छ, गुजरात-370240	सामान्य प्रयोजनों के लिए प्लाईवुड	303			1989
09	7600005912	11 फरवरी 2015	मैसर्स एस० आर० वुड एंड विनीयर प्राईवेट लिमिटेड सर्वे नं० 57/1 एवं 57/2, गाँव अजापर, जिला कच्छ, गुजरात-370110	सामान्य प्रयोजनों के लिए प्लाईवुड	303			1989
10	7600006510	12 फरवरी 2015	मैसर्स अगगरवाल एंड कंपनी सर्वे नं० 27, 28, 50, एवं 51, गांव तानसा, तालुका घोघा, जिला भावनगर, गुजरात-364120	तप्त बेल्लित मध्यम एवं उच्च तन्यता के संरचना इस्पात-विशिष्ट	2062			2011
11	7600006712	13 फरवरी 2015	मैसर्स नर्मदा कॉनकास्ट प्रा० लि० प्लॉट नं० 6/7, सर्वे नं० 159, गांव मालपर, तालुका घोघा, जिला भावनगर, गुजरात-364002	कंकीट प्रवलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार	1786			2008

1	2	3	4	5	6	7	8	9
12	7600006611	13 फरवरी 2015	मैसर्स जिगर इन्डस्ट्रीज प्लॉट नं० 164/15, जामवाडी, जी० आइ० डी० सी० -2, गोंडल, जिला राजकोट, गुजरात-360311	वायवीय गुच्छित केबल 1100 वोल्ट तक और सहित की कार्यवारी वोल्टता के लिए	14255			1995
13	7600006813	13 फरवरी 2015	मैसर्स सिद्धार्थ बेवरेजेस प्लॉट नं० 2-B/1, नूतन भारती सोसयटी, सेंट जेवियर्स पब्लिक स्कूल के सामने, घोघा रोड, जिला भावनगर गुजरात-364001	पैकेजबंद पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543			2004
14	7600006914	16 फरवरी 2015	मैसर्स कैप्टन इंजीनियरिंग प्रा० लि० सर्वे नं० 257, प्लॉट नं० 11, नेशनल हाइवे नं० 8B, शापार (वेरावल) तालुक कोटडा सांगाणी, जिला राजकोट, गुजरात-360024	निमज्जनीय पम्पसेट की विशिष्ट	8034			2002
15	7600007007	17 फरवरी 2015	मैसर्स वॉटरकिंग इन्डस्ट्रीज प्लॉट नं० 102, जोगी मोटर स्ट्रीट, पवन इंजीनियरिंग के सामने, वीराणी अघात, ढेबर रोड (S), राजकोट, गुजरात-360002	निमज्जनीय पम्पसेट की विशिष्ट	8034			2002
16	7600007108	17 फरवरी 2015	मैसर्स वॉटरकिंग इन्डस्ट्रीज प्लॉट नं० 102, जोगी मोटर स्ट्रीट, पवन इंजीनियरिंग के सामने, वीराणी अघात, ढेबर रोड (S), राजकोट, गुजरात-360002	खुले कुएं के लिए निमज्जय पम्पसेट	14220			1994
17	7600007209	17 फरवरी 2015	मैसर्स कोर्सा केबल्स वीराणी अघात, प्लॉट नं० 50/51, ढेबर रोड (दक्षिण) कोठारिया रिंग रोड, राजकोट, गुजरात-360002	1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पी वी सी रोहित केबल	694			2010
18	7600007310	18 फरवरी 2015	मैसर्स श्री रामेश्वर स्टील इन्डस्ट्रीज प्लॉट नं० 4-A, ब्लॉक नं० 173 पैकी, सर्वे नं० 274, भावनगर तलाजा रोड, गाँव उखरला, तालुका घोघा, जिला भावनगर, गुजरात-364050	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार	1786			2008
19	7600007411	18 फरवरी 2015	मैसर्स गुजरात पम्प इन्डस्ट्रीज प्लॉट नं० 24, सर्वे नं० 19, वावडी, ओम कार्स्टिंग के पास, होटल कृष्ण पार्क के पीछे, राजकोट, गुजरात-360004	खूले कुएं के लिए निमज्जय पम्पसेट	14220			1994
20	7600007512	18 फरवरी 2015	मैसर्स गुजरात पम्प इन्डस्ट्रीज प्लॉट नं० 24, सर्वे नं० 19, वावडी, ओम कार्स्टिंग के पास, होटल कृष्ण पार्क के पीछे, राजकोट, गुजरात-360004	निमज्जनीय पम्पसेट की विशिष्ट	8034			2002

1	2	3	4	5	6	7	8	9
21	7600007908	20 फरवरी 2015	मैसर्स वेस्ट कोस्ट डीजल्स एल॰एल॰पी॰ नेशनल हाइवे 27, गोंडल रोड, हाइवे, गुडविल कन्जूमर प्रोडक्ट्स के बाद, कांगसीयाली, राजकोट, गुजरात-360001	कृषि प्रयोजनों के लिए निरंतर गति संपीडन इग्निशन (डिजल) इंजन के लिए प्रदर्शन आवश्यकताओं (19 किलोवाट तक)	11170			1985
22	7600008009	23 फरवरी 2015	मैसर्स मेटल क्राफ्ट इन्डस्ट्रीज प्लोट नं॰ जी 2609, पी॰जी॰वी॰सी॰एल॰, कान्ती गेट, लोधीका, जी॰ आई॰ डी॰ सी॰, जिला राजकोट, गुजरात-360021	विस्फोटो पर्यावरण भाग 1 आईएस/ ज्वालासह आवरण आईइसी “डी” द्वारा उपकरण संरक्षण	01	60079		2007
23	7600008211	25 फरवरी 2015	मैसर्स डेकोरा प्रोडक्ट्स सर्वे नं॰ 39, प्लोट नं॰ 13, वावडी इंडस्ट्रियल एरिया फाल्कन पम्प के सामने, राजकोट, गुजरात-360004	सामान्य प्रयोजन के लिए एक फेजी एसी प्रेरण मोटर्स	996			2009

[सं॰ केन्द्रीय प्रमाणन विभाग/13:11]

सं॰ चतुर्वेदी, वैज्ञानिक ‘एफ’ एवं प्रमुख

New Delhi, the 15th April, 2015

**S.O. 840.**—In Pursuance of sub-regulation(5) of regulation 4 of the Bureau of Indian Standards (Certificate) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule:

**SCHEDULE**

Sl. No.	Licences No.	Grant Date	Name and Address of the Licensee	Title of the Standard	IS No.	Part.	Sec.	Year
1	2	3	4	5	6	7	8	9
01	7600005011	04.02.2015	M/s Amco Engineering Co. Plot No. C/1, Block No. 2 & 3, GIDC Udoganagar, At Mahuva, District Bhavnagar, Gujarat-364290	Non-percolating flexible fire fighting delivery hose (third revision)	636			1988
02	7600005811	09.02.2015	M/s. S.R. Wood & Veneers Pvt. Ltd. Survey No. 57/1 & 52/2, Village Ajapar, District Kachchh, Gujarat-370110	Block boards	1659			2004
03	7600006409	10.02.2015	M/s. Vanshika Plywood Private Limited Survey No. 56, (Westside) Village Varsana, Taluka Anjar, Kachchh, Gujarat-370203	Block boards	1659			2004

1	2	3	4	5	6	7	8	9
04	7600006106	10.02.2015	M/s. S.R. Wood & Veneers Pvt. Ltd. Survey No. 57/1 & 52/2, Village Ajapar, District Kachchh, Gujarat-370110	Wooden flush door shutters (solid core type): part I plywood face panels	2202	01		1999
05	7600006308	10.02.2015	M/s. Vanshika Plywood Private Ltd. Survey No. 56, (Westside) Village Varsana, Taluka Anjar, Kachchh, Gujarat-370203	Wooden flush door shutters (solid core type): part 1 plywood face panels	2202	01		1999
06	7600006005	10.02.2015	M/s. S.R. Wood & Veneers Pvt. Ltd. Survey No. 57/1 & 52/2, Village Ajapar, District Kachchh, Gujarat-370110	Marine plywood	710			2010
07	7600005508	10.02.2015	M/s. Ideal Pumps Classic Industrial Area, Street No. 2, B/h Maldhari Hotel, Kothariya Road, Rajkot, Gujarat-360004	Submersible pumpsets	8034			2002
08	7600006207	10.02.2015	M/s. Vanshika Plywood Private Ltd. Survey No. 56, (Westside) Village Varsana, Taluka Anjar, Kachchh, Gujarat-370203	Plywood for general purposes	303			1989
09	7600005912	11.02.2015	M/s. S.R. Wood & Veneers Pvt. Ltd. Survey No. 57/1 & 52/2, Village Ajapar, District Kachchh, Gujarat-370110	Plywood for general purposes	303			1989
10	7600006510	12.02.2015	M/s. Aggarwal and Company Survey No. 27, 28, 50 & 51, Village Tanasa, Taluka Ghogha, District : Bhavnagar, Gujarat-364120	Steel for general structural purposes	2062			2011
11.	7600006712	13.02.2015	M/s. Narmada Concast Private Ltd. Plot No. 6/7, Sr. No. 159, At : Malpar, Tal: Ghogha, District Bhavnagar Gujarat-364002	High strength deformed steel bars and wires for concrete reinforcement	1786			2008
12	7600006611	13.02.2015	M/s. Gigar Industries Plot No. 164/15, Jamvadi G.I.D.C.-2, Gondal, District Rajkot, Gujarat-360311	Aerial bunched cables for working voltages upto and including 1100 volts-	14255			1995
13	7600006813	13.02.2015	M/s. Siddharth Beverages Plot No. 2-B/1, Nutan Bharti Society, Ghogha Road, Near Sent Zeviers School, Bhavnagar, Gjarat-364001	Packaged drinking water (other than packaged natural mineral water)-	14543			2004



1	2	3	4	5	6	7	8	9
14	7600006914	16.02.2015	M/s. Captain Engineering Pvt. Ltd. Survey No. 257, Plot No. 11, N.H. No. 27, Shapar, District Rajkot Gujarat-360024	Submersible pumpsets	8034			2002
15	7600007007	17.02.2015	M/s. Waterking Industries Plot No. 102, Goji Motor Street, Opp. Pawan Engineering, Virani Aghat, Dhebar Road (S), Rajkot, Gujarat-360002	Submersible pumpsets-	8034			2002
16	7600007108	17.02.2015	M/s. Waterking Industries Plot No. 102, Goji Motor Street, Opp. Pawan Engineering, Virani Aghat, Dhebar Roads (S), Rajkot, Gujarat-360002	Openwell submersible pumpsets-	14220			1994
17	7600007209	17.02.2015	M/s. Corsa Cables Virani Aghat, Plot No. 50/51, Dhebar Road (South) Kothariya Ring Road, Rajkot, Gujarat-360002	Pvc Insulated cables for working voltages upto and including 1100v	694			2010
18	7600007310	18.02.2015	M/s. Shri Rameshwar Steel Industries Survey No. 274, Block No. 173P, Plot No. 4A, Near Mahalaxmi Cinema, Neswad Road, Mamsa, Village Ukharla Bhavnagar, Gujarat-364002	High strength deformed steel bars and wires for concrete reinforcement	1786			2008
19	7600007411	18.02.2015	M/s. Gujarat Pump Industries Plot No. 24, Survey No. 19, Vavdi, Nr. Om Casting, B/H Hotel Krishna Park, Rajkot, Gjarat-360004	Openwell submersible pumpsets-	14220			1994
20	7600007512	18.02.2015	M/s. Gujarat Pump Industries Plot No. 24, Survey No. 19, Vavdi, Nr. Om Casting, B/H Hotel Krishna Park, Rajkot, Gujart-360004	Submersible pumpsets-	8034			2002
21	7600007908	20.02.2015	M/s. West Coast Diesels LLP N.H. 27, Gondal Road, Highway, Next to Goodwill Consmer Products, Kangasiali, Rajkot, Gujarat 360001	Performance requirements for constant speed com- pression ignition (diesel) engines for agricultural purposes (up to 20 kw)	11170			1985
22	7600008009	23.02.2015	M/s Metal Craft Industries Plot No.-G 2609, Opp. PGVCL, Kranti Gate, Lodhika G.I.D.C., Metoda, Rajkot, Gujarat-360021	Explosive atmospheres part 1 equipment protection by flame- proof enclosures "d"	IS/IEC 60079	01		2007

1	2	3	4	5	6	7	8	9
23	7600008211	25.02.2015	M/s Decora Products Survey No. 39, Plot No. 13, Vavdi Industrial Area, Opp. Falcon Pump, Vavdi, Rajkot, Gujarat-360004	Single-phase small ac and universal electric motors	996			2009

[No. CMD/13:11]

S. CHATURVEDI, Scientist 'F'. and Head

नई दिल्ली, 15 अप्रैल, 2015

**का.आ. 841.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं:—

**अनुसूची**

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1	7600001912	02 जनवरी 2015	मैसर्स फिनेक्स इंजिटेक प्राईवेट लिमिटेड प्लॉट नं० 13, सर्वे नं० 266, महादेव इन्डस्ट्रियल एरिया-3, कोठारिया सॉल्वेन्ट मेन रोड, गोंडल रोड, कोठारिया जिला, राजकोट, गुजरात-360004	खुले कुएं के लिए निमज्जय पम्पसेट-विशिष्ट	14220	0	0	1994
2	7600002005	02 जनवरी 2015	मैसर्स फिनेक्स इंजिटेक प्राईवेट लिमिटेड प्लॉट नं० 13, सर्वे नं० 266, महादेव इन्डस्ट्रियल एरिया-3, कोठारिया सॉल्वेन्ट मेन रोड, गोंडल रोड, कोठारिया जिला, राजकोट, गुजरात-360004	निमज्जनीय पम्प सेट	8034			2002
3	7600002611	06 जनवरी 2015	मैसर्स पेंग्विन प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 107/1 व 107/4, गाँव कब्राव, तालुका भचाड, जिला कच्छ, गुजरात-370140	लकड़ी के सपाट दरवाजे के शटर (टोस कोर टाइप) भाग 1 प्लाईवुड के सतह युक्त पल्ले	2202	01		1999
4	7600002712	06 जनवरी 2015	मैसर्स पेंग्विन प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 107/1 व 107/4, गाँव कब्राव, तालुका भचाड, जिला कच्छ, गुजरात-370140	ब्लॉक बोर्ड	1659			2004
5	7600002805	06 जनवरी 2015	मैसर्स पेंग्विन प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 107/1 व 107/4, गाँव कब्राव, तालुका भचाड, जिला कच्छ, गुजरात-370140	सामान्य प्रयोजनों के लिए प्लाईवुड	303			1989
6	7600002906	06 जनवरी 2015	मैसर्स पेंग्विन प्लाईवुड प्राईवेट लिमिटेड सर्वे नं० 107/1 व 107/4, गाँव कब्राव, तालुका भचाड, जिला कच्छ, गुजरात-370140	समुद्री उपयोग के लिए प्लाईवुड	710			2010

1	2	3	4	5	6	7	8	9
7	7600003007	06 जनवरी 2015	मैसर्स एस आर डी पंप्स 4 घनश्याम नगर, विरानी अघात, ढेवर रोड (दक्षिण) कोठारिया, जिला राजकोट, गुजरात-360004	निमज्जनीय पम्पसेट की विशिष्ट	8034			2002
8	7600003108	06 जनवरी 2015	मैसर्स श्री जोगी पाइप इन्डस्ट्रीज सर्वे नं० 39, पैकी, प्लॉट नं० 4, पैकी, शेड नं० 1, बालाजी इन्डस्ट्रियल एरिया, शापार (वेरावल), जिला राजकोट, गुजरात-360024	पानी की आपूर्ति के लिए उच्च घनत्व वाले पॉलिएथिलीन पाइप- विशिष्ट	4984			1995
9	7600003310	06 जनवरी 2015	मैसर्स राधे फूड व बेवरेजेस प्लॉट नं० 2/23, सर्वे नं० 71/1, शाबर सामा पादर, सावरकुंडला, जिला अमरेली, गुजरात-364515	पैकेजबद्ध पेय जल (पैकेजबद्ध प्राकृतिक मिनरल जल के अलावा)	14543			2004
10	7600003209	07 जनवरी 2015	मैसर्स शिव इलेक्ट्रीकल्स 5, रामनगर, के रसीकलाल के पीछे, 80 फीट रोड, राजकोट, गुजरात-360004	खुले कुएं के लिए निमज्जनीय पम्पसेट-विशिष्ट	14220			1994
11	7600004009	20 जनवरी 2015	मैसर्स नर्मदा कॉन्कास्ट प्रा० लि० प्लॉट नं० 6/7, सर्वे नं० 159, गाँव मालपर, तालुक घोघा, जिला भावनगर, गुजरात-364002	सामान्य संरचना इस्पात में पुनर्वैल्लन के लिये कार्बन ढलवाँ इस्पात बिलेट इंगट, बिलेट, ब्लूम और स्लैब की विशिष्ट	2830			2012
12	7600004110	20 जनवरी 2015	मैसर्स साइन इन्जीनियरिंग प्लॉट नं० जी 108, 109ए, जी आई डी सी लोधीका, कालावाड रोड, गाँव मेटोडा, तालुका लोधीका, जिला राजकोट, गुजरात-360021	अंग्रेजी टटियो तथा मूत्रालयों के लिए प्लास्टिक की प्रधावन टंकियों की विशिष्ट	7231			1994
13	7600004211	22 जनवरी 2015	मैसर्स न्यू गुजरात कोला प्रा० लि० सर्वे नं० 122 पी 1, राजुला, जिला अमरेली, गुजरात-365560	पैकेजबद्ध पेय जल (पैकेजबद्ध प्राकृतिक मिनरल जल के अलावा)	14543			2004
14	7600004708	23 जनवरी 2015	मैसर्स जलाराम सबमर्सिबल पंप्स सर्वे नं० 43/1, गौतम बुद्ध नगर के पास, कृष्णा एन्टरप्राइज के सामने, 150 फीट रोड, जिला राजकोट, गुजरात-360004	निमज्जनीय पम्पसेट की विशिष्ट	8034			2002
15	7600004809	27 जनवरी 2015	मैसर्स रिलायबल वॉल्वस प्लॉट नम्बर 505, किशान गेट, लोधिकी जी०आई०डी०सी०, मेटोडा, जिला राजकोट, गुजरात-360035	जलकल के लिए रेजीलिएट सीटिड ढलवां लोहे के वायु निकास वाल्व विशिष्ट	14845			2000
16	7600004910	27 जनवरी 2015	मैसर्स रिलायबल वॉल्वस प्लॉट नम्बर 505, किशान गेट, लोधिकी जी०आई०डी०सी०, मेटोडा, जिला राजकोट, गुजरात-360035	जलकल के लिए स्लूस वाल्व (50 से 1200 मिमी साइज क) विशिष्ट	14846			2000

[सं० केन्द्रीय प्रमाणन विभाग/13 : 11]

सं० चतुर्वेदी, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 15th April, 2015

**S.O. 841.**—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certificate) Regulations, 1988, the Bureau of Indian Standards, hereby notify the grant of licences particulars of which are given below in the following schedule:

**SCHEDULE**

Sl. No.	Licences No.	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part.	Sec.	Year
1	2	3	4	5	6	7	8	9
01	7600001912	02.01.2015	M/s Finex Engitech Private Ltd. Plot No. 13, Survey No. 266, Mahadev Ind. Area-3, Kothariya Solvant Main Road, Gondal Road, Kothariya, District : Rajkot, Gujarat-360004	Openwell Submersible Pumpsets-Specifrication	14220	-	-	1994
02	7600002005	02.01.2015	M/s Finex Engitech Private Ltd. Plot No. 13, Survey No. 266, Mahadev Ind. Area-3, Kothariya Solvant Main Road, Gondal Road, Kothariya, District : Rajkot, Gujarat-360004	Submersible Pumpsets-Specification	8034			2002
03	7600002611	06.01.2015	M/s Penguin Plywood Pvt. Ltd. Survey No. 107/1, & 107/4, Village Kabrav, Taluka Bhachau, District : Kachchh, Gujarat-370140	Wooden flush door shutters (solid core type): Part 1 Plywood face panels	2202	01		1999
04	7600002712	06.01.2015	M/s Penguin Plywood Pvt. Ltd. Survey No. 107/1 & 107/4, Village Kabrav, Taluka Bhachau, District : Kachchh, Gujarat -370140	Block board	1659			2004
05	7600002805	06.01.2015	M/s Penguin Plywood Pvt. Ltd. Survey No. 107/1 & 107/4, Village Kabrav, Taluka Bhachau, District : Kachchh, Gujarat-370140	Plywood for general purposes	303			1989
06	7600002906	06.01.2015	M/s Penguin Plywood Pvt. Ltd. Survey No. 107/1 & 107/4, Village Kabrav, Taluka Bhachau, District : Kachchh, Gujarat-370140	Specification for Marine Plywood	710			2010
07	7600003007	06.01.2015	M/s SRD Pumps 4, Ghanshyam Nagar, Virani Aghat, Dhebar Road (South) Kothariya, District : Rajkot, Gujarat- 360004	Submersible Pumpset-Specification	8034			2002
08	7600003108	06.01.2015	M/s Shree Jogi Pipe Industries Survey No. 39, Paiklee, Plot No. 4 paiklee, Shed No. 1, Balaji Industrial Area, Shapar (Veraval), District : Rajkot, Gujarat-360024	High Density Polyethylene Pipes for Water Supply-Specification	4984			1995

1	2	3	4	5	6	7	8	9
09	7600003310	06.01.2015	M/s Radhe Food & Beverages Plot No. 2/23, Survey No. 71/1, Savar Sama Padar, Savarkundla, District : Amreli, Gujarat-364515	Packaged Drinking Water (other than Packaged Natural Mineral Water) -Specification	14543			2004
10	7600003209	07.01.2015	M/s Shiv Electricals 5, Ramnagar, B/H K. Rasiklal, 80 Feet, Road, Rajkot Gujarat-360003	Openwell Submersible Pumpsets-Specification	14220			1994
11.	7600004009	20/01/2015	M/s Narmada Concast Private Limited Survey No. 159/160, Plot No. 6/7, Village Malpar (Mamsa), Taluka Gogha, District : Bhavnagar, Gujarat-364022	Carbon stell cast billet ingots, billets, blooms and slabe for re-rolling into steel for general structural purposes	2830			2012
12.	7600004110	20/01/2015	M/s Shine Engineering, Plot No. G 108-109A, GIDC Lodhika Kalawad Road, Village Metoda, Taluka Lodhika, District : Rajkot Gujarat-360021	Plastic Flushing Cisterns for Water closets and Urinals	7231			1994
13.	7600004211	22/01/2015	M/s New Gujarat Cola Pvt. Ltd., Survey No. 122 P-I, Rajula, District : Amreli Gujarat-365560	Packaged Drinking Water (other than Packaged Natural Mineral Water)- Specification	14543			2004
14.	7600004708	23/01/2015	M/s Jalaram Submersible Pumps, Survey No. 43/1, Near Gautam Buddh Nagar, Opp. Krishna Enterprise, 50 Feet Road, Distric : Rajkot, Gujarat-360004	Submersible Pumpsets- Specification	8034			2002
15.	7600004809	27/01/2015	M/s Reliable Valves Plot No. G-505, Kishan Gate, Lodhika GIDC, Metoda, District : Rajkot, Gujarat-360035	Resilient Seated Cast Iron Air Relief Valves for Water Works Purposes- Specification	14845			2000
16.	7600004910	27/01/2005	M/s Reliable Valves Plot No. G-505, Kishan Gate, Lodhika GIDC, Metoda, District : Rajkot, Gujarat-360035	Sluice Valve for Water Works Purposes (50 to 1200 mm Size)- Specification	14846			2000

[No. CMD/13:11]

S. CHATURVEDI, Scientist 'F'. and Head

नई दिल्ली, 15 अप्रैल, 2015

**का.आ. 842.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस रद्द किए गए हैं:

## अनुसूची

क्र०सं	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्दीकरण तिथि
01.	3958890	मैसर्स श्री साईनाथ डेकोर एलएलपी, सर्वे नं० 52, प्लॉट नं० 19, श्याम जीनींग के समाने, गाँव हडमताला, टालुका कोटडा सांगानी, जिला राजकोट, गुजरात-360311	सजावटी थर्मोसेटिंग संश्लिष्ट रेजिनबद्ध परतदार चादरें-विशिष्ट	14 जनवरी 2015

[सं० केन्द्रीय प्रमाणन विभाग/13 : 11]

सं० चतुर्वेदी, वैज्ञानिक 'एल' एवं प्रमुख

New Delhi, the 15th April, 2015

**S.O. 842.**—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certificate) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licencess particulars of which are given below have cancelled/suspended with effect from the date indicated against each:

## SCHEDULE

Sl. No.	License No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
01.	3958890	M/s Shri Sainath Decor LLP, Survey No. 52, Plot No. 19, Opposite Shyam Gining, At Hadamatala, Taluka Kotda Sangani, District : Rajkot Gujarat-360311	Decorative Thermosetting Synthetic Resin Bonded Laminated Sheets-Specification	14.01.2015

[No. CMD/13:11]

S. CHATURVEDI, Scientist 'F' and Head.

नई दिल्ली, 15 अप्रैल, 2015

**का.आ. 843.**—भारतीय मानक ब्यूरो (प्रमाण) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं:

## अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	2947779	09 दिसम्बर 2014	मैसर्स भाग्यलक्ष्मी बेवरेजेस सर्वे नं० एन 3 जी, शेखपर, तालुका मुली, जिला सुरेन्द्रनगर, गुजरात-363510	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	0	0	2004



1	2	3	4	5	6	7	8	9
2.	7600000199	11 दिसम्बर 2014	मैसर्स जलक्रान्ति इलेक्ट्रिकल्स प्लॉट नं० D-105/A, मेटोडा जी आई डी सी, तालुका लोधिका, जिला राजकोट, गुजरात-360021	निमज्जनीय पम्पसेट की विशिष्टि	8034	0	0	2002
3.	7600000405	12 दिसम्बर 2014	मैसर्स टॉपलैन्ड पंप्स प्राईवेट लिमिटेड परसाणा फाउन्ड्री के सामने, उमाकान्त पंडित उद्योगनगर, मवडी प्लॉट, राजकोट, गुजरात-360003	कृषि और जलपूर्ति के लिये साफ और टंडे पानी के बिजली के मोनोसेट पम्प-विशिष्टि	9079	0	0	2002
4.	7600000607	15 दिसम्बर 2014	मैसर्स माइक्रॉन इन्डस्ट्रीज सर्वे नम्बर 39/3, नेशनल हाइवे 8B, कृष्णा पार्क होटल के पीछे, गोंडल रोड, राजकोट, गुजरात-360004	पम्प पुनर्योजी स्वच्छ ठंडे पानी के लिए विशिष्टि	8472	0	0	1998
5.	7600000708	16 दिसम्बर 2014	मैसर्स ऐलेक्ट्रिकल्स इन्जिनियरिंग सोमनाथ इन्डस्ट्रियल एरिया, प्लॉट सं० 13/14 कोठारिया सर्वे नं० 224, कृष्णा पार्क के सामने, रेलवे क्रॉसिंग के पास, गोंडल हाइवे रोड, राजकोट, गुजरात	खुले कुएं के लिए निमज्जय पम्पसेट -विशिष्टि	14220	0	0	1994
6.	7600000809	16 दिसम्बर 2014	मैसर्स आर० के० पॉलिमर्स प्लॉट नं० G-1097, रोड IC, मोंजीनीस बेकरी के सामने, किशान गेट, मेटोडा, तालुका लोधिका, जिला राजकोट, गुजरात-360024	खुले कुएं के लिए निमज्जय एम्पसेट -विशिष्टि	14220	0	0	1994
7.	7600000910	22 दिसम्बर 2014	मैसर्स श्री हरि मिनरल वॉटर प्लॉट नं० 53, रामेश्वर टाउनशिप के सामने हलवद रोड, राजपर, तालुका-भ्रांगभ्रा, जिला सुरेन्द्रनगर, गुजरात-363310	पैकेजबन्द पेय जल ( पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	0	0	2004
8.	7600001003	23 दिसम्बर 2014	मैसर्स शिवांजली पाइप प्लॉट नं० 5, रामेश्वर इन्डस्ट्रियल एरिया, परीन फर्नीचर के पीछे, गोंडल रोड, वावडी, जिला राजकोट, गुजरात-360004	आपूर्ति के लिए उच्च घनत्व वाले पॉलिएथिलीन पाइप- विशिष्टि	4984	0	0	1995
9.	7600001407	26 दिसम्बर 2014	मैसर्स निर्मल बेवरेजेस प्लॉट नं० 30, गायत्री गार्डन, एच पी गैस गोडाउन के पास, जिन्दाल सॉ गेट-2 के पास, नाना कपाया, तालुका मुन्द्रा, जिला कच्छ, गुजरात-370421	पैकेजबन्द पेय जल ( पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	0	0	2004
10.	7600001508	29 दिसम्बर 2014	मैसर्स पृथ्वी पम्प प्लॉट नं० 28/29, बालाजी इन्डस्ट्रियल एरिया, होटल कृष्णा पार्क के सामने, गोंडल रोड, एन०एच०-88, रेलवे क्रॉसिंग के पीछे, कोठारिया, जिला राजकोट, गुजरात-360002	खुले कुएं के लिए निमज्जय पम्पसेट -विशिष्टि	14220	0	0	1994

[सं० केन्द्रीय प्रमाणन विभाग/13: 11]

सं० चतुर्वेदी, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 15th April, 2015

**S.O. 843.**—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certificate) Regulations, 1988, the Bureau of Indian Standards, hereby notify the grant of licences particulars of which are given below in the following schedule:

**SCHEDULE**

Sl. No.	Licence No.	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part.	Sec.	Year
1	2	3	4	5	6	7	8	9
01.	2947779	09/12/2014	M/s Bhagyalaxmi Bevereges Survey No. N3G, At-Shekhpar, Taluka:muli, District: Surendranagar, Gujarat-363510	Packaged drinking water (other than packaged natural mineral water)-	14543	—	—	2004
02.	7600000199	11/12/2014	M/s Jalkraanti Electricals Plot No. D-105/A, Metoda GIDC, Taluka-Lodhika, District: Rajkot, Gujarat-360021	Submersible pumpsets-	8034			2002
03.	7600000405	12/12/2014	M/s Topland Pumps Pvt. Ltd. Opp Parsana, Foundry, Umakant, Pandit Udyognagar, Mavdi Plot Rajkot, Gujarat-360004	Electric monoset pumps for clear, cold water for agricultural and water supply purpose-	9079			2002
04.	7600000607	15/12/2014	M/s Micron Industries Survey No. 39/3, National Highway 8B, B/H Krishna Park Hotel, Gondal Road, Rajkot, Gujarat-360004	Pumps-regenerative or clear, cold water-	8472			1998
05.	7600000708	16/12/2014	M/s Active Electricals Engineering Somnath Industrial Area, Plot No. 13/14, Kothariya, Survey No. 224, Opposite Krishna Park, Inside railway crossing, Gondal highway road, Rajkot, Gujarat	Openwell submersible pumpsets-	14220			1994
06.	7600000809	16/12/2014	M/s R.K. Polymers Plot No. G-1097, Road IC, Opp. Monginis Bakery, Kishan Gate, Metoda, Taluka Lodhika, District: Rajkot, Gujarat-360024	Openwell submersible pumpsets-	14220			1994
07.	7600000910	22/12/2014	M/s Shri Hari Mineral Water Plot No. 53, Opp. Rameshwar Township, Halvad Road, Rajpar, Taluka-Dhrangadhra District-Surendranagar, Gujarat-363310	Packaged drinking water (other than packaged natural mineral water)-	14543			2004
08.	7600001003	23/12/2014	M/s Shivanjali Pipe Plot No. 5, Rameshwar Ind. Area, B/H Parin Furniture, Gondal Road, Vavdi, Rajkot, Gujarat-360004	High density polyethylene pipes for potable water supplies	4984			1995

1	2	3	4	5	6	7	8	9
09.	7600001407	26/12/2014	M/s Nirmal Beverages Plot No. 30, Gayari, Garden, Near HP Gas, Godown, Near Jindal Saw Gate-2, Kachchh, Nana Kapaya, Gujarat-370421	Packaged drinking water (other than packaged Natural mineral water)—	14543			2004
10.	7600001508	29/12/2014	M/s Prithvi Pump Plot No. 28/29, Balaji Ind. area, opp. Hotel Krishna Park, Gondal road, N.H.-88 B/H Railway Crossing, Kothariya, Rajkot, Gujarat-360002	Openwell submersible pumpsets—	14220			1994

[No. CMD/13:11]

S. CHATURVEDI, Scientist 'F' and Head

नई दिल्ली, 15 अप्रैल, 2015

**का.आ. 844.**—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं के लाइसेंस रद्द किए गए हैं:

**अनुसूची**

क्र.सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्दीकरण तिथि
1.	2859782	मैसर्स खेडूत इरिगेशन (इंडिया) प्राइवेट लिमिटेड प्लोट नं० 13, 14, 15, 16, और 19, आर एस नं० 53, हडमताला, शिव कृपा केमिकल के पास, राजकोट गोंडल हाईवे, तालुका गोंडल, जिला राजकोट, गुजरात 360311	जल आपूर्ति हेतु उच्च घनत्व पॉलीइथाइलीन पाइप	10/12/2014
2.	2859883	मैसर्स खेडूत इरिगेशन (इंडिया) प्राइवेट लिमिटेड प्लोट नं० 13, 14, 15, 16 और 19, आर एस नं० 53, हडमताला, शिव कृपा केमिकल के पास, राजकोट गोंडल हाईवे, तालुका गोंडल, जिला राजकोट, गुजरात 360311	सिंचाई उपस्कर - स्प्रिंकलर पाइप - विशिष्ट	10/12/2014

[सं. केन्द्रीय प्रमाणन विभाग/13:11]

सं. चतुर्वेदी, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 15th April, 2015

**S.O. 844.**—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certificate) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below have cancelled/suspended with effect from the date indicated against each:

## SCHEDULE

Sl. No.	License No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	2859782	M/s Khedut Irrigation (India) Private Limited, Plot No. 13, 14, 15, 16, & 19, R.S. No. 53 of Hadamtala, Nr. Shivkrupa Chemical, Rajkot-Gondal highway, (N.H. 8B) Bhunava, Taluka: Gondal, Hadamtala District : Rajkot, Gujarat-360311	High Density Polyethylene Pipes for Water Supply	10/12/2014
2.	2859883	M/s Khedut Irrigation (India) Private Limited, Plot No. 13, 14, 15, 16, & 19, R.S. No. 53 of Hadamtala, Nr. Shivkrupa Chemical, Rajkot-Gondal highway, (N.H. 8B) Bhunava, Taluka: Gondal, Hadamtala District: Rajkot, Gujarat-360311	Irrigation Equipment-Sprinkler Pipes - Specification — Part I: Polyethylene Pipes	10/12/2014

[No. CMD/13:11]

S. CHATURVEDI, Scientist 'F' and Head

## विद्युत मंत्रालय

नई दिल्ली, 16 अप्रैल, 2015

**का.आ. 845.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड के  $\pm$  800 केवी पश्चिम-उत्तर एचवीडीसी, अंतर संयोजक परियोजना, मकान सं.-561, हुडा सेक्टर-2, जिंदल चौक के पास, कुरुक्षेत्र-136118 (हरियाणा), जिसके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं० 11017/10/2013-हिन्दी]

डॉ. आर. सी. शर्मा, संयुक्त निदेशक (रा.भा.)

## MINISTRY OF POWER

New Delhi, the 16th April, 2015

**S.O. 845.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the  $\pm$  800 KV West-North HVDC Interconnector Project, H.No. 561, HUDA Sector-2, Near Jindal Chowk, Kurukshetra-136118 (Haryana) of the Power Grid Corporation of India Ltd. under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No.11017/10/2013-Hindi]

Dr. R.C. SHARMA, Jt. Director (O.L.)

## संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(राजभाषा प्रभाग)

नई दिल्ली, 10 अप्रैल, 2015

**का.आ. 846.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987, 2007 तथा 2011) के नियम 10(4) के अनुसरण में मुख्य महाप्रबंधक, पंजाब परिमंडल के अंतर्गत कार्यालय महाप्रबंधक दूरसंचार, संगरूर, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से लागू होगी।

[सं०-11016/01/2015-राजभाषा]

सुरेश चन्द्र शर्मा, उप महानिदेशक (सी. एण्ड ए.)

MINISTRY OF COMMUNICATION AND  
INFORMATION TECHNOLOGY

(Department of Telecommunications)

(Department of Official Language)

New Delhi, the 10th April, 2015

**S.O. 846.**—In pursuance of rule 10(4) of the Official Languages (Use for Official Purpose of the Union) Rules, 1976 (as amended 1987, 2007 and 2011), the Central Government hereby notifies the Office of the General Manager Telecom, Sangrur under the administrative control of Chief General Manager, Telecom Circle, Punjab, where more than 80% staff have acquired working knowledge of Hindi.

2. This notification shall come into force from the date of its publication in the Official Gazette.

[No.11016/01/2015-O.L.]

SURESH CHANDRA SHARMA, DDG (C.&amp;A.)

**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 20 अप्रैल, 2015

**का.आ. 847.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अलगप्पा टेक्सटाइल मिल्स, थ्रिस्सूर, केरल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय एर्नाकुलम के पंचाट (संदर्भ संख्या 29/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/04/2015 को प्राप्त हुआ था।

[सं. एल. - 42011/16/2013-आई आर (डीयू)]

पी. के.वेणुगोपाल, डेस्क अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 20th April, 2015

**S.O. 847.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 29/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Alagappa Textile Mills, Thrissur, Kerala and their workmen, received by the Central Government on 16/04/2015.

[No. L-42011/16/2013-IR (DU)]

P.K. VENUGOPAL, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

**PRESENT :** Shri D. Sreevallabhan, B.Sc., LL.B,  
Presiding Officer

(Tuesday the 31st day of March, 2015/10th Chaitra, 1937)

**ID 29/2013**

Union : The General Secretary  
Trichur District Textile Mazdoor Sangam  
PO : Alagappa Nagar  
Thrissur (Kerala)

By Adv. Shri C.P. Peethambaran

Management : The General Manager  
Alagappa Textile Mills  
P.O. Alagappa Nagar  
Thrissur (Kerala)

By Adv. Shri P. Ramakrishnan

This case coming up for final hearing on 31.03.2015 and this Tribunal-cum-Labour Court on the same day passed the following:

**AWARD**

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government/Ministry of Labour *vide* its Order No-L-42011/16/2013-IR(DU) dated 07.06.2013 referred the industrial dispute scheduled thereunder for adjudication to this tribunal.

2. The dispute is:—

"Whether the action of the management of Alagappa Textiles (Cochin) Mills in terminating the services of its workman Shri K Muraleedharan w.e.f. 1.4.2012 is just and legal? What relief the workman is entitled to?"

3. On receipt of summons the union and the management entered appearance. After submission of the respective pleadings by both parties the ID was posted in the Lok Adalat as agreed to by them for an amicable settlement. It was settled between the parties and they have jointly filed compromise. There is no illegality in accepting the compromise and hence an award can be passed in terms of the compromise.

4. In the result an award is passed in terms of the compromise which will form part of the award.

The award will come into force one month after its publication in the Official Gazette.

D. SREEVALLABHAN, Presiding Officer

**APPENDIX - NIL****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM****I.D. No. 29/2013**

The General Manager  
Alagappa Textiles Mills

P.O. Alagappa Nagar

Thrissur (Kerala)

..... Management

The General Secretary  
Trichur District Textile Mazdoor Sangam  
P.O. Alagappa Nagar

Thrissur, (Kerala)

..... Union

The matter was taken up in the Lok Adalat and the parties agreed to settle the dispute on the following terms:—

- (1) The Management has paid Rs. 173943 (Rupees ONE LAKH SEVENTY THREE THOUSAND NINE HUNDRED AND FORTY THREE only) to Shri K. Muraleedharan, the workman involved in I.D. No. 29/2013 toward the gratuity payable to him on termination. The said payment made by the

management is in full and final settlement of all the claims raised by the union in I.D. No. 29/2013.

- (2) The workman accepted the above said sum in full and final settlement and the workman also hereby undertakes that he will not raise any claim in future for employment or any other monetary claims against the management.

Dated this the 26th day of March, 2015

Workman: -Sd/-

Union: Sd/-

Management: Sd/-

Counsel for workman:

Counsel for Management:

Sd/-

Sd/-

Sd/-

Mediator

नई दिल्ली, 20 अप्रैल, 2015

का.आ. 848.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 67/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20/04/2015 को प्राप्त हुआ था।

[सं. एल-20012/24/2012-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 20th April, 2015

**S.O. 848.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 20/04/2015.

[No. L-20012/24/2012-IR (CM-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

**PRESENT :** Shri Kishori Ram  
Presiding Officer

In the matter of an industrial Dispute under section 10(1)(d) of the I.D. Act, 1947

#### REFERENCE NO. 67 OF 2012

**PARTIES :** The Secretary

Bihar Colliery Kamgar Union, Jharnapara, Hirapur,  
Dhanbad Vs. The General Manager,

P.B Area of M/s. BCCL, PO: Kusunda, Distt; Dhanbad  
Order No. L-20012/24/2012-IR (CM-I)  
dt. 13.08.2012

#### APPEARANCES

On behalf of the workman/Union : None

On behalf of the Management : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 4th Feb., 2015.

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal of adjudication vide their Order No. L-20012/23/2012-IR (CM-I) dt. 13.08.2012.

#### SCHEDULE

"Whether the action of the Management of K.B.5/6 Pits Colliery of M/s. BCCL in not regularizing Shri S.R.Chakraborty as Store Keeper is fair and justified To what relief is the workman concerned entitled?"

2. Neither any Representative for Bihar Colliery Kamgar Union nor workman S.R Chakraborty appeared nor any written statement with any documents filed on his behalf just as none appeared for the OP/Management of P.B. Area of M/s. BCCL, Kusunda.

On perusal of the case record, I find the case has all along been pending for written statement with documents since 28.12.2012. For it, three Regd. Notices dt.02.11.12, 04.10.13 and 28.05.15 were issued to both the parties on their respective addresses as noted in the reference itself, yet none could appear nor any written statement with the documents filed on behalf of the workman. In view of the circumstances, it clearly appears that No Industrial Dispute Exists now, as the Union Representative and the workman by their conducts appear to be quite reluctant and uninterested to pursue the case upto its finality. Hence the case is closed as "No Industrial dispute" existing; accordingly an order of 'No Dispute Award' is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 20 अप्रैल, 2015

का.आ. 849.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में



निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 32/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20/04/2015 को प्राप्त हुआ था।

[सं. एल-20012/180/2005-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 20th April, 2015

**S.O. 849.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 32/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 20/04/2015.

[No. L-20012/180/2005-IR (CM-I)]

M.K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

**PRESENT :** Shri Kishori Ram  
Presiding Officer

In the matter of an Industrial Dispute under section  
10(1)(d) of the I.D.Act., 1947

#### REFERENCE NO. 32 OF 2006

**PARTIES :** The Area Joint Secretary,  
Janta Mazdoor Sangh,  
Kenduadih Colliery, PO:Kusunda, Dhanbad

**Vs.**

The General Manager,  
P.B.Area of M/s. BCCL, PO: Kusunda, Distt; Dhanbad  
Order No. L-20012/180/2005-IR(CM-I) dt. 10.06.2006

#### APPEARANCES

On behalf of the workman/Union : Mr. K.N. Singh,  
Rep. of the  
workman  
On behalf of the Management : Mr. S.N. Ghosh,  
Ld. Advocate.  
State : Jharkhand  
Industry : Coal

Dated, Dhanbad, the 11th Feb., 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this

Tribunal for adjudication vide their Order No. L-20012/180/2005-IR (CM-I) dt. 10.06.2006.

#### SCHEDULE

"Whether the action of the Management of BCCL, Gopalichak Colliery in superannuating Sh. Shivnath Harijan w.e.f. 1.1.99 treating his date of birth as 1.3.39 instead of 9.3.46 is just, proper and legal? If not, to what relief is the workman entitled?"

2. Neither any Representative for Janta Mazdoor Sangh nor the workman Shiv Nath Harijan nor any witness for evidence of the workman appeared. Mr. S.N. Ghosh, the Ld. Advocate for the OP/Management is present as usual.

After going through the case record, I find case has been pending for the evidence of the workman since 25.06.2014 for which last and final chance were given for it. Despite giving ample opportunities, the Union Representative as well as the workman himself failed to produce any witness on his behalf in the Reference which is related to an issue of superannuation. The Union Representative and the workman by their negligent conducts appear to be uninterested or reluctant to pursue the case of its final adjudication. Under this circumstances, the case is closed as "No Industrial Dispute" existing. Hence it is passed an order of 'No Dispute'.

KISHORI RAM, Presiding Officer

नई दिल्ली, 20 अप्रैल, 2015

**का.आ. 850.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 41/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20/04/2015 को प्राप्त हुआ था।

[सं. एल-20012/18/2008-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 20th April, 2015

**S.O. 850.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 41/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of M/s. CCL and their workmen, received by the Central Government on 20/04/2015.

[No. L-20012/18/2008-IR (CM-I)]

M.K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD****PRESENT** : Shri Kishori Ram,  
Presiding OfficerIn the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act, 1947**REFERENCE NO. 41 OF 2008****PARTIES** : The Secretary,  
United Coal Workers Union  
At/PO: Argada, Hazaribagh**Vs.**

The Project Officer

Sirka Colliery of M/s. CCL, PO: Argada, Distt; Hazaribagh

Ministry's Order No. L-20012/18/2008-IR(CM-I)  
dt. 28.04.2008**APPEARANCES**On behalf of the workman/Union : Mr. R.R. Prasad,  
Ld. AdvocateOn behalf of the Management : Mr. D.K. Verma,  
Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 3rd Feb., 2015

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10 (1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/18/2008-IR(CM-I) dt. 28.04.2008.

**SCHEDULE**

"Whether the action of the Management of Sirka Colliery of M/s. CCL in respect of Sh. Mahendra Yadav, Shovel Operator in (i) deduction of Rs. 11,840 from his salary; (ii) demotion to lower grade as Grade-B and (iii) fixing of initial basic of lower grade is legal and justified? If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. L-20012/18/2008 IR(CM-I) dt. 28.04.2008 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 41 of 2008 was registered on 06.05.2008 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with

the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The union and the O.P./Management through their own respective Ld. Counsels appeared in, and contested the case.

2. The case of workman Mahendra Yadav as sponsored by the United Coal Workers' Union is that he was a permanent employee of Shirka Colliery of M/s .CCL, working as a Shovel Operator, Grade B. His service was unblemished and satisfactory. But the Management issued him a charge sheet dt. 5/8.03.1999, making a false and fabricated allegation of misconduct against him. He replied to it, denying the allegation. The Management unconsidered his explanation, and initiated a departmental enquiry. In course of the enquiry, the workman was neither supplied with the relevant documents as called for by him nor properly given an opportunity for his defence. The Enquiry was conducted unfair, improper, and against the principle of natural justice. The Report of the Enquiry Officer was perverse, as the charge levelled against him was unproved. The punishment imposed upon the workman was harsh and disproportionate. Moreover, the Project Officer was not a Competent Authority to issue the chargesheet, and to appoint the Enquiry Officer. So the order of the punishment passed by the Project Officer is illegal and liable to be set aside.

The Union in its rejoinder for the workman has also specifically denied all the allegations for the OP/ Management as incorrect, further stating that the Appellate Authority without considering the enquiry proceeding dismissed the appeal of the workman. The punishment inflicted upon him was illegal and unjustified.

3. Jut contrary to it, the case of the OP/Management is that the reference is unmaintainable in law or in facts. The workman was issued a chargesheet-cum-Suspension as per the letter dt. 5.8.1999 for fraudulently availing LLTC/ LTC in excess against the block years 1986-1989 and 1990-1993 (two times LLTC and one LTC)—the misconduct under the Certitified Standing Orders of the Company. The reply of the workman to it was unsatisfactory, so the Management appointed the Enquiry Officer to conduct the domestic enquiry in accordance with principle of natural justice. The Enquiry Officer fairly conducted the enquiry in presence of the workman, and submitted his enquiry report, holding him guilty of the charges, the workman was issued the second Show Cause with a copy of the enquiry report, but his explanation to it was also found unsatisfactory. The workman was liable for his dismissal for his proved misconduct; he was leniently punished with his demotion. Even the Appellant Authority after hearing dismissed the

Appeal for the workman. The punishment awarded by the Disciplinary Authority to the workman was legal and justified. The OP/Management urged for a permission to afresh prove the charges in case, the enquiry at the preliminary point held as unfair and improper.

The OP/Management in their simultaneous rejoinder has categorically denied all the allegations of the workman as incorrect, further justifying the action of the management in awarding the workman with the punishment as referred.

### FINDING WITH REASONS

4. In the instant reference, at the preliminary point, when the OP/Management failed to produce any cogent evidence on account of not making their document available before the Tribunal, even after the evidence of the workman, the Tribunal as per the Order No. 26 dt. 27.06.2013 held the domestic enquiry unfair, improper and against this principle of natural justice, directing the OP/Management to reproduce their witness on merits. Later on, finally on the due examination of the workman as WW1 on merits following the failure and closure of the OP/Management to examine their any witness on their behalf on merits on 25.10.2013, it came up for final disposal.

The submission of Mr. R.R. Prasad, the Learned Counsel for the Union/workman is that though none of the charges has been proved against him, nor the OP/Management could establish it at preliminary point or on merits even, the Management baselessly awarded him with the penalty of deduction of Rs. 11,840 from his salary his demotion to lower Grade as Grade B, and fixing of initial basis of lower grade which is harsh, illegal, and unjustified, so it is liable to be set aside. Whereas the contention of Mr. D.K. Verma, Ld. Advocate for the OP/Management is that on proof the charges levelled against the workman, the OP/Management in view of the grave nature of his fraudulent misconduct as admitted by himself in his appeal (dateless, but received on 28.06.2004-Ext. M.1) has awarded the penalty of recovery of the excess amount of LLTC/LTC and that of his demotion to lower Grade as Grade B, as such the punishment awarded to him for the grave misconduct as appropriate, so he is not entitled to any relief.

5. On perusal and due consideration of the materials available on the case record, it appears no dispute that the workman has accepted in his appeal the recovery of the excess amount LLTC/LTC (for the relevant period 1986-89 and 1990-93) from his salary, but treating his demotion and fixing of his pay on initial basis of lower category as harsh. In view of the circumstances, if the deduction of Rs. 11,840 as the excess of LLTC and LTC twice availed by the workman from his salary was not enough to discipline him,

penalty of deduction of his one increment in his basis scale of salary would have been more than enough to teach him the lesson for his such fraudulent misconduct. But the demotion of the workman to lower grade as Grade B to its initial basic simultaneously for the same offence appears to be shocking and disproportionate to the nature of the misconduct. Hence, the order of his demotion to lower Grade B with initial basic is liable to be set aside under the Sec 11A of the Industrial Dispute Act, 1947. Double punishment for single misconduct is not sustainable.

6. In lack of the proof of the charges against the workman, it is, in the terms of the reference, hereby awarded that the action of the Management of Sirka Colliery of M/s CCL in respect of Mahendra Yadav, Shovel Operator in (i) deducting of Rs. 1,840/- from salary, (ii) his demotion to lower Grade B, (iii) and fixing of his initial basic of lower Grade is not legal and justified. Hence the workman is entitled to his reinstatement in Grade A with Fullback wages with all financial concomitant benefits.

The OP/Management is directed to implement the awarded with one month from the receipt of it following its publication in the Gazette of India.

KISHORIRAM, Presiding Officer

नई दिल्ली, 20 अप्रैल, 2015

का.आ. 851.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई इण्टरनेशनल एअरपोर्ट प्राईवेट लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 65/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20/04/2015 को प्राप्त हुआ था।

[सं. एल-11012/29/2013-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 20th April, 2015

S.O. 851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 65/2013 of the Cent. Govt. Indus. Tribunal-cum- Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of M/s. Mumbai International Airports Pv. Ltd. and their workmen, received by the Central Government on 20/04/2015.

[No. L-11012/29/2013-IR(CM-I)]

M.K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO.2, MUMBAI****PRESENT : K.B. KATAKE,**  
Presiding Officer**REFERENCE NO. CGIT-2/65 OF 2013**  
**EMPLOYERS IN RELATION TO THE MANAGEMENT  
OF**

- (1) Mumbai International Airports Pvt. Ltd.  
 (2) Avicon Aviation Consulting Services Pvt. Ltd.

1. The Vice President-HR  
 Mumbai International Airports Pvt. Ltd.  
 Terminal 1-B, Chhatrapati Shivaji Intl. Airport  
 Santacruz (E)  
 Mumbai-400 099
2. M/s. Avicon Aviation Consulting Services Pvt. Ltd.  
 Flat No. 04, Kajaria Kunj  
 Khar (W), Mumbai-400 052

**AND****THEIR WORKMAN**

The General Secretary  
 Airport Aviation Employees Union  
 Terminal 1-B, Above CSI Airport  
 Santacruz (E)  
 Mumbai-400 099

**APPEARANCES**

For The Employer No. 1 : Mrs. Mitra Das,  
 Advocate

For The Employer No. 2 : No appearance

For The Union/Workman : No appearance

Mumbai, dated the 20th March, 2015

**AWARD**

The Government of India, Ministry of Labour & Employment by its Order No. L-11012/29/2013-IR (CM-I), dated 24.10.2013 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the dispute as raised against M/s. Avicon Aviation Consultancy Pvt. Ltd, who is contractor in the case, by the union of contractor's Labourers i.e. Airports Aviation Employees Union lies against the Management of M/s. Mumbai International Airport Ltd. (MIAL) who is principal employer in the case? If so, what relief the workmen are entitled to?"

2. After receipt of the reference, notices were issued to both the parties and served on Union *vide* Ex-5. Till date neither second party union appeared in the proceeding nor filed their statement of claim. Since nobody appeared on behalf of the union and filed statement of claim, it seems they are not interested in pursuing the matter further. Without statement of claim award cannot be passed on merits. Therefore I think it proper to dismiss the reference for want of prosecution. Thus I pass the following order:

**ORDER**

Reference stands dismissed for want of prosecution.  
 No order as to cost.

Date: 20.03.2015

K.B. KATAKE, Presiding Officer

नई दिल्ली, 20 अप्रैल, 2015

का.आ. 852.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इण्डिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 65/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20/04/2015 को प्राप्त हुआ था।

[सं. एल.-11012/17/2014-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 20th April, 2015

**S.O. 852.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 65/2014 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Delhi as shown in the Annexure, in the industrial dispute between the management of M/s. Air India Ltd. and their workmen, received by the Central Government on 20/04/2015.

[No. L-11012/17/2014-IR (CM-I)]

M.K. SINGH, Section Officer

**ANNEXURE**

**IN THE COURT OF SHRI AVTAR CHAND DOGRA,**  
**PRESIDING OFFICER, CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT**  
**NO.1, KARKARDOOMA COURT COMPLEX,**  
**DELHI**

**ID No. 65/2014**

The General Secretary,  
 Air India Employees Union,  
 Union Office Air India G.S.D. Complex,  
 Terminal-2,  
 New Delhi

.....Workman

**Versus**



The Chairman-cum-Managing Director,  
Air India Ltd.,  
Airlines House, 113, Gurudwara Rakabganj Road,  
New Delhi-110001  
Delhi ..Management

### AWARD

Central Government, *vide* letter No. L-11012/17/2014-IR (CM-I) dated 07.07.2014, referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the management of the Air India by transferring its employees to AIASTL (Air India Air Transport Limited) without taking their consent and without following the mandatory provisions of Section 9A of the Industrial Dispute Act and not giving specific and satisfactory answer with regard to continuance of statutory/non-statutory facilities like Gratuity, Provident Fund, Passage Facility and Medical Facility are just and proper? To what relief the concerned workmen are entitled to?

2. On receipt of the above reference, notice was sent to the workman as well as the management. None appeared on behalf of the claimant. As such, this Tribunal ordered issuance of fresh notice to the workman. Despite sending notice by registered A.D., workman has not appeared before the Tribunal so as to pursue his case. Thus, it is clear that the workman is not interested in the adjudication of the reference on merits.

3. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

Dated: March 11, 2015

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 853.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकता के पंचाट (संदर्भ सं. 28/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल-12011/119/2001-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 853.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2001) of the

Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 22/04/2015.

[No. L-12011/119/2001-IR (B-II)]

RAVI KUMAR, Desk Officer

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### REFERENCE NO. 28 OF 2001

**PARTIES** : Employers in relation to the management  
of Central Bank of India

AND

THEIR WORKMAN

**PRESENT** : Justice Dipak Saha Ray, Presiding Officer

#### APPEARANCE:

On behalf of the Management : Mr. G.C. Chakraborty, Ld.  
Counsel.

On behalf of the Workmen : None

State : West Bengal

Industry : Banking

Dated: 16th October, 2014

### AWARD

By Order No. L-12011/119/2001-IR(B-II) dated 10.10.2001 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of Central Bank of India in not confirming Shri Sunil Kumar Maity as Head Cashier 'E' in spite of his officiating as such since 1.1.1996 is legal and justified? If not, what relief Shri Maity is entitled to?"

2. When the case is taken up today, none appears on behalf of the union, though the management is represented by its Ld. Counsel. It appears from the record that none also appeared on behalf of the union on the previous three dates. Nor has any step been taken by it to proceed with this reference in spite of service of notice and in spite of specific order of the Tribunal on the last date *i.e.*, 10.07.2014.

3. Considering the above facts and circumstances, it appears that the union is not at all interested to proceed with the case further. So, no useful purpose will be served in keeping the matter pending.

4. Accordingly, the instant reference case is disposed of by passing a "No Dispute Award".

JUSTICE DIPAK SAHA RAY, Presiding Officer

Dated, The 16th October, 2014

Kolkata

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 32/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल-12011/114/2003-आई आर (बी.-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 854.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 22/04/2015.

[No. L-12011/114/2003-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### REFERENCE NO. 32 OF 2003

**PARTIES :** Employers in relation to the  
management of Central Bank of India

AND

THEIR WORKMAN

**PRESENT :** Justice Dipak Saha Ray, Presiding Officer

#### APPEARANCE:

On behalf of the Management : Mr. G.C. Chakraborty, Ld.  
Counsel.

On behalf of the Workmen : None  
State : West Bengal

Industry Banking

Dated: 5th January, 2015

#### AWARD

By Order No. L-12011/114/2003-IR(B-II) dated 23.09.2003 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

"Whether employer—employee relationship exist between the Central Bank of India, Zonal Office, Kolkata and the 14 Canteen Staff working in the

Central Bank of India, Zonal Office, Kolkata? Whether Mr. Asit Baran Das and 13 others (as per list attached) are entitled for regularisation in to the services of the Bank? If so, from when and on what pay scales they are entitled for regularisation? If not, to what relief they are entitled?"

#### LIST OF WORKMEN

Sl. No.	Name and Address	Working at
1.	Asit Baran Das, S/o Late Harish Ch. Das, Vill & P.O. Jerthan, P.S. Egra, Distt. Midnapore (East.)	Central Bank of India, Zonal Office/Main Office Building Canteen at 33, N.S. Road, Kolkata-700001.
2.	Pradip Mukherjee, S/o Nirmal Mukherjee Vill, Nalikul Stn. Bazar, P.O. Nalikul, Dist. Hooghly.	-do-
3.	Jhareswar Das, S/o. Ramani Kanta Das, Vill. Madhabpur, P.O. Purba Madhabpur, P.S. Egra, Dist. Midnapore (East).	-do-
4.	Prabhat Kr. Banerjee, S/o. Ajit Kr. Banerjee, Vill. & Post Khanar Chandi, Dist. Hooghly, Haripal.	-do-
5.	Narendra Palai, S/o. Late Baidhar Palai, Vill. & Post Dagarapada, P.S. Khaira, Dist. Balasore (Orissa)	-do-
6.	Rabin Roy, S/o. Late Adhir Roy, Vill. Phul Bagan, Post. Batanagar, P.S. Maheshtala, Distt. 24 Pagarnas (South).	-do-
7.	Purna Chandra Singh, S/o. Harihor Singh, Vill. Bagberia, P.O. Sabong, Dist. Midnapore (West).	-do-
8.	Madhusudan Barui, S/o. Late Hemanta Barui, 111, Adharsha Nagar Colony, Kolkata-100.	-do-

9. Shamal Sil, S/o. Rohini Sil, 28, Desapran Shamal Road, Kolkata-700033.	-do-	न्यायालय, कोलकता के पंचाट (21/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था। [सं. एल-12011/179/2005-आई आर (बी-II)] रवि कुमार, डेस्क अधिकारी
10. Ramesh Sharma, S/o Late Nirdhan Sharma, Vill. Bajitpur Karnal, Post, Purusottampur, Halai, Dist. Samastipur (Bihar).	-do-	New Delhi, the 22nd April, 2015
11. Susanta Kr. Jana, S/o Late Hari Pada Jana, Vill. Sapai, P.O. Karolda, P.S. Morisda, Dist. Midnapore (West).	-do-	<b>S.O. 855.</b> — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. Kolkata as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 22/04/2015.
12. Smt. Shefali Jana, W/o. Late Ajit Kr. Jana, 87, Boser Math, G.I.P. Colony, Howrah.	-do-	[No. L-12011/179/2005- IR (B-II)] RAVI KUMAR, Desk Officer
13. Smt. Kalpana Singh S/o. Late Amar Singh, Dharasa Chowdhury Para, G.I.P. Colony, Howrah.	-do-	<b>ANNEXURE</b> <b>CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL</b> <b>AT KOLKATA</b> <b>REFERENCE NO. 21 OF 2006</b>
14. Dhananjay Prodhan, S/o. Niranjana Prodhan, Vill. & Post Kasida, Via Nampo, Dist. Balasore, Orissa.	-do-	<b>PARTIES</b> : Employers in relation to the management of Bank of Baroda  <b>AND</b>  <b>THEIR WORKMEN</b>  <b>PRESENT</b> : Justice Dipak Saha Ray, Presiding Officer  <b>APPEARANCE</b>  On Behalf of the Management : None On behalf of the Workmen : None State : West Bengal. Industry Banking.  Dated: 5th January, 2015

2. When the case was taken up for hearing on 16.12.2014, none appeared on behalf of the union/workman through the management was represented by its Ld. Counsel. It appears from the record that none had turned up on behalf of the union on the previous two consecutive dates.

3. Considering the facts and circumstance, it appears that the union is not at all willing to proceed with the case further, So, no fruitful purpose will be served in keeping the matter pending.

4. In view of the above facts and circumstances, present reference is disposed of by passing a "No Dispute Award."

Justice DIPAK SAHA RAY, Presiding Officer

Dated: The 5th January, 2015.  
Kolkata

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 855.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

**AWARD**  
By Order No. L-12011/179/2005-IR(B-II) dated 24.02.2006 the Government of India, Ministry of Labour in exercise of its powers under Section 10 (1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of Bank of Baroda, 2/7 Sarat Bose Road, Kolkata 700020 in not paying House Rent Allowance to Shri Swapna Kr. Kar. Clerk of Durgapur Branch with retrospective effect from January, 2004 is justified? If not, to what relief Shri Kar is entitled?"

2. When the case was taken up for hearing on 09.12.2014, none appeared on behalf of either of the parties. It appears from the record that the union at whose instance present reference has been initiated did not turn up for four consecutive dates.

3. Considering the facts and circumstances, it appears that the union is not at all willing to proceed with the case further. So, no fruitful purpose will be served in keeping the matter pending.

4. In view of the above facts and circumstances, present reference is disposed of by passing a "No Dispute Award".

Justice DIPAK SAHA RAY, Presiding Officer

Dated : The 5th January, 2015.  
Kolkata

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 856.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (5/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल- 12011/282/2003-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 856.—** In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, No. Kolkata as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 22/04/2015.

[No. L-12011/282/2003- IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

#### REFERENCE NO. 05 of 2004

**PARTIES :** Employers in relation to the management  
of Bank of Baroda

AND

THEIR WORKMEN

**PRESENT :** Justice Dipak Saha Ray,  
Presiding Officer

#### APPEARANCE

On Behalf of the Management : Mr. Satya Ranjan Das,  
Manager, Regional Office  
(Kolkata Metro Region)  
of the Bank.

On behalf of the Workmen : Ramgopal Chattopadhyay,  
President of the Bank of  
Baroda Employees'  
Association.

State : West Bengal.

Industry : Banking.

Dated: 8th October 2014

#### AWARD

1. By Order No. L-12011/282/2003-IR(B-II) dated 08.03.2004 the Government of India, Ministry of Labour in exercise of its powers under Section 10 (1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of Bank of Baroda, by withdrawing scheme for reimbursement of educational expenses incurred by the employees for their children without issuing notice under Section 9A of the ID Act is held just and legal? If not, what relief the workmen are entitled to and whether recovery of amounts already reimbursed to the workmen is barred by promissory estoppel? If not, what relief the workmen are entitled to?"

2. In the instant reference, both the unions, namely Bank of Baroda Employees' Association and Bank of Baroda Employees' Union, West Bengal appeared after receiving notice and filed statement of claims and rejoinders. Ultimately, Bank of Baroda Employees Union, West Bengal did not contest the case.
3. Bereft of all unnecessary details, the case of the Bank of Baroda Employees' Association is as follows:—

Bank of Baroda by issuing a circular dated 01.03.1997 (Ext. W-01) introduced some staff welfare schemes including "scheme for reimbursement of educational expenses incurred by the employees for their children". Thereafter the Bank issued one circular dated 28.07.1997 (Ext. W-02) declaring the said scheme to be a continuing scheme. Again by issuance of another



circular dated 24.07.1998 (Ext. W-03) the Bank declared that the said scheme was a regular scheme. Ultimately by issuance of a circular dated 16.04.2003 (Ext. W-04) the Bank has withdrawn the said scheme and directed its all branches/officers to recover the reimbursement which was made to the employees for the academic year 2003.

4. It is contended by the union that since the employess have enjoyed the benefit of the scheme for several years, the scheme has become a 'condition of service' as a Customary Concession or Privilege under item No. 8 of the Fourth Schedule of the Industrial Disputes Act, 1947 read with Section 9A of the Act. And as such the said condition of service cannot be changed by withdrawing the said scheme without compliance with the provisions of Section 9A of the Industrial Disputes Act. It is further contended that in view of the aforesaid facts and circumstances the circular dated 16.04.2003 is *void abintio* and accordingly the employees are entitled to get the benefit of the said scheme until the scheme is withdrawn after observing all the formalities.
5. Regarding the second point of the reference the union has contended that the Bank has been extending financial benefit under the said scheme since 1997 uninterruptedly and as such the said circular regarding recovery of amounts already reimbursed to the workmen under the scheme is barred by the principle of promissory estoppels.
6. The management of Bank of Baroda has contested the case by filing written statement contending *inter alia* that there is a Staff Welfare Fund of the Bank and the same is managed by a managing committee constituted with the representatives of the management, recognized workmen union and officers' association. The managing committee is to decide the welfare activities to be undertaken by the Staff Welfare Fund. So the welfare activities undertaken by the Staff Welfare Fund cannot be said to be the service conditions of the employees and any change in the welfare activity cannot be construed as change in service conditions of the employees because service conditions of the bank employees are governed by the Sastry Award, Desai Award as amended by various Bipartite Settlements.
7. It is further contended that the managing committee of Staff Welfare Fund is a joint committee of the representatives of the management, recognized

majority union and recognized officers association and as such the decision taken by the managing committee cannot be said to be the decision of the bank administration.

8. It is also contended that the Bank allocates fund to the Staff Welfare Fund from its Profit & Loss A/c. keeping in view the Govt. guidelines, the managing committee of the Staff Welfare Fund decides which welfare activities are to be undertaken within the budget allocation so made by the Bank. Accordingly the scheme is reviewed keeping in view the position of the Staff Welfare Fund and if the fund does not permit, the managing committee decides to discontinue any benefit under the scheme. The welfare activities undertaken by the Staff Welfare Fund cannot be construed as customary concession and/or privilege of the employees and as such Bank has no obligation to issue notice under Section 9A of the Industrial Disputes Act before issuing the circular dated 16.04.2003 marked, Ext. W-04. The rejection of the statement of claim of the union has been so prayed for.
9. The Bank of Baroda Employees' Association in order to prove its case has examined one witness and proved some documents marked Exts. W-01 to W-04.
10. The management/Bank has also examined one witness in support of its case.
11. It has been argued on behalf of the union that the circulars through which the benefit was given to the employees were issued by the Personnel Division of the Bank and the decision to introduce the scheme extending benefit to the employees was taken by the management of the Bank. It has been further contended that by issuing circular dated 24.07.1998 the Bank declared the said scheme to be a regular scheme and the employees were enjoying the benefit of the said scheme for several years and as such the said scheme has become the condition of service as customary concession or privilege. So, such benefit cannot be withdrawn without issuing notice as provided in Section 9A of the Act.
12. On the other hand, the management has contended that the decision in the matter of introduction of the schemes including the scheme for "reimbursement of educational expenses incurred by the employees for their children" was not taken by the management of the Bank and that the said decision was taken by the managing committee of

the Staff Welfare Fund which was actually a joint committee of the representatives of the management, recognized majority union and recognized officers' association and as such the benefits of the scheme extended to the employees could not be construed as service condition and accordingly compliance of Section 9A of the Act was not necessary before withdrawal of the said benefit.

13. Now from circular dated 01.03.1997, Ext. W-01 it appears that the Bank decided to introduce the schemes for the welfare of its staff as per the decision of the managing committee of the Staff Welfare Fund with the approval of the Board of Directors of the Bank and the said decision of the managing committee was circulated by the Personnel Division of the Bank. So this circular does not *per se* suggest that it was the Bank Administration which introduced the said scheme. Similarly, it appears that other decisions of the managing committee in respect of the said scheme were circulated by the Bank through circular dated 28.07.1997 and circular dated 24.07.1998, marked Exts. W-02 and W-03 respectively. Like the aforesaid circulars the decision of the managing committee of the Staff Welfare Fund in the matter of withdrawal of the scheme was circulated through circular dated 16.04.2003 marked Ext. W-04. It is not the case of the union that no representative of the majority workmen union was present when the said decision of withdrawal of scheme was adopted. So it may reasonably be presumed that the decision of the managing committee in the matter of withdrawal of the scheme was taken in presence of all the representatives including the representative of the majority recognized workmen union.
14. It is the case of the management that Bank allocates fund to the Staff Welfare Fund and the Staff Welfare Fund has to undertake various welfare schemes within the fund allocated by the Bank. The witness of the management (MW-01) has corroborated the above contention of the management. The said fact has not been controverted either by any oral evidence or by any documentary evidence.
15. It is also the case of the management that the managing committee discontinued the scheme on account of financial constraints. The said contention also gets corroboration from the evidence of MW-01. The union has not specifically challenged the above facts of the management by stating that inspite of adequate fund, the managing committee discontinued the said scheme. It may be presumed that the Bank unions had knowledge that the managing committee of the Staff Welfare Fund had to undertake welfare schemes within the fund allocated by the Bank and that the managing committee was bound to confine its welfare activities within the amount of fund so allocated. Accordingly, no beneficiary can claim that the welfare scheme once introduced should continue for ever, notwithstanding the fund crunch. So even enjoying the benefit under the scheme for 5/6 years, the employees of the Bank cannot claim the said benefit as perpetual one.
16. The union has referred to a decision of the Hon'ble Supreme Court in Civil Appeal No. 179 of 1983 wherein it has been held that "the expression terms of conditions of employment would ordinarily include not only the contractual terms and conditions but those terms which are understood and applied by the parties in practice or habitually or by common consent without ever being incorporated in the contract." But, in this case it has already been pointed out that the scheme was introduced by the managing committee of the Staff Welfare Fund and not by the management of the Bank. Accordingly, the benefit of the said scheme enjoyed by the employees for 5/6 years cannot be considered as the terms of conditions of employment.
17. The union in support of its case has referred to another decision of the Hon'ble Supreme Court in Civil Appeal No. 377 of 1970. But on careful perusal of the said decision it appears that the same is not applicable in the facts and circumstances of the instant case. In the said decision the management of Indian Oil Corporation granted compensatory allowance. But in the present case managing committee constituted with the representative of the management, majority workmen union and majority officers' association took the decision to introduce the scheme and also to withdraw the said scheme. Moreover, benefit *viz.* compensatory or other allowance has been included in item No. 3 of the Fourth Schedule of the Industrial Disputes Act, 1947 and as such the said benefit is considered as condition of service and for withdrawal of any such benefit notice under Section 9A of the Act is required.
18. By the circular dated 16.04.2003, the benefit of the said scheme was withdrawn and the branches/offices were directed to recover the money already

disbursed to the employees. It was only after the issuance of the circular dated 16.04.2003 the employees of the Bank came to know that the said scheme had been withdrawn. Before getting such circular the employees were under the impression that they would get the same benefit even in the year 2003 and accordingly they got reimbursement of the money already spent towards the educational expenses of their children. So, by issuance of such circular in the midst of the academic year 2003, the Committee tried to recover the money in respect of which the employees of the Bank had got reimbursement. Accordingly, it appears that such decision of the Committee has not just, proper and equitable. The views of the Hon'ble Supreme Court as had been expressed in very many cases is that if there is not fault on the part of the recipient in receiving the money, the same cannot be recovered on the ground of equity. In that view of the matter, decision to recover the money already received by the employees cannot be sustained in law and equity.

19. In view of the above facts and circumstances and the discussion made above, it appears that there was no need to issue notice under Section 9A of the Industrial Disputes Act before withdrawal of the scheme for reimbursement of educational expenses incurred by the employees for their children. However, the authority on the plea of withdrawal of the benefit, cannot be permitted to recover the amount which the concerned employees had already received by way of reimbursement. If any such recovery was made in pursuance of the circular dated 16.04.2004, the same should be refunded to the workmen concerned.

20. The instant order of reference dated 08.03.2004 is answered accordingly.

Justice DIPAK SAHA RAY, Presiding Officer  
Dated, Kolkata, the 8th October, 2014

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध, में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ सं. 37/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल-12011/10/2008-आई आर (बी-II)]  
रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 857.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 22/04/2015.

[No. L-12011/10/2008-IR (B-II)]

RAVI KUMAR, Desk Officer  
**ANNEXURE**

**BEFORE THE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, KANPUR**

**PRESENT :** Sri Shubhendra Kumar, HJS,  
Industrial Dispute No. 37 of 2008

**BETWEEN**

The General Secretary,  
Bank of India Staff Union,  
C/o Bank of India, Mohini Mension,  
PB No. 272,  
1 Naval Kishore Road,  
Lucknow 226 001.

**AND**

The General Manager,  
Bank of India  
H.O. Star House, C-5 'G' Block,  
Bandra Kurla Complex,  
Bandra East,  
Mumbai 400 051.

**AWARD**

1. Central Government, MoL & Employment, New Delhi, *vide* Notification L-12011/10/2008-IR(B-II) dated 15.05.2008, has referred the following dispute for adjudication to this tribunal.
2. Whether the action of the management of Bank of India not allowing graduation increments to Sri Narvir Singh, Cash-cum-Account-Clerk from the date of passing the Post Graduate Examination is just, fair and legal? If not, to what relief the workman concerned is entitled to?
3. Briefly stated facts of the case of the workman as set up by the union on behalf of the workman is that Sri Narvir Singh has passed M.A. Exams. from Agra University and was declared successful *vide* mark sheet No. 1213 dated 25.09.87. He filed application dated 05.10.87 for grant of two additional

increments due to acquiring M.A. qualification and when the request of the workman was not acceded to by the management he further submitted a reminder letter dated 27.07.99. The management kept the matter pending till clarification was received from Indian Bank's Association *vide* letter dt. 27.02.2001. It is further alleged that the bank has conveyed approval for grant of two additional increments to the employees of similar nature from 24.02.2002, instead of date of acquiring required decree by means of letter dated 11.05.2002. The workman made repeated request for grant of two additional increments from 25th September, 1987, instead from 24.04.2002. Since the demand of the two workman could not be settled amicably, the union took up the matter with the bank for allowing the workman arrears of two additional increments as claimed above as here is no rational basis of grant of two increments from 20.04.2002 considering the fact that the workman acquired the required qualification on 25.09.1987. It is further alleged that the action of the management is illegal and arbitrary; therefore, the workman is entitled for the relief claimed by him.

4. The management has filed their reply wherein they have vehemently denied the claim of the Union/workman on a number of grounds *viz.*, the reference is misconceived and vague in as much as there is no mention of specific date for cause of action in the reference order as such reference order is not maintainable and the claim of the union is liable to be dismissed; that the reference is highly belated because the claim of the union is with effect from 25.09.87 whereas reference is dated 15.05.2008, therefore, reference is bad in law and is liable to be dismissed; reference is bad on account of misjoinder of parties as the workman has never worked in the Head Office of the Bank at Mumbai, therefore, claim is not maintainable and is liable to be dismissed.
5. On merit of the case, the management has pleaded that the claimant has not passed graduate examination *i.e.* B.A, B.Sc. or B. Com., therefore, he is not entitled for any additional increment. It is further pleaded by the management that the rationale for grant of graduation increments is that bank may derive better quality and efficiency in the work, out of better academic studies, but those who have never studied and passed graduate examination apparently cannot contribute better quality and efficiency in the work, which also suits to logic and the purpose of allowing such increments.
6. It is further alleged by the management that workman was normally not entitled for two additional increments on the basis of so called Post Graduate Certificate. However, the matter on principle was placed in the matter 5 dated 20.04.2002, of Board of Directors of the Bank who accorded its approval for payment of two additional increments to the claimants which were given to the claimants on a policy matter. The above facility came into existence only with effect from 02.06.2005 through bipartite settlement and the workman also accepted the same without any demur, therefore, the claimant does not have any moral or legitimate right for raising any demand again, on the same issue. In view of it, the claimant is not entitled for any relief. The facts of the case as referred by the workman/union in paragraph No. 8, of Hon'ble High Court, Bombay was different and IBA or BOI was not a party to it, therefore, it is distinguished and do not apply in the present case.
7. Lastly it is stated that the action of the bank is by all means just, fair and legal and the claimant is not entitled to any relief what so ever and the claim is liable to be dismissed.
8. The Union has filed rejoinder but nothing new has been pleaded therein except reiterating the facts as already pleaded in the claim statement.
9. In the instant case after exchange of pleadings between the parties workman *vide* his application dated 13.12.2010 has filed 3 documents out of which two documents are in original and one is the carbon copy. The workman has also filed 6 documents *vide* application dated 21.06.08. All these documents are in the nature of photocopies.
10. As the workman has filed his evidence on affidavit in support of the claim he was called upon to appear in the witness box on 11.05.11, for his cross-examination. On the said date the tribunal observed that as the workman is absent his statement on affidavit may not be taken in to consideration and the case was fixed for evidence of the management on 08.07.2011.
11. On 08.07.2011 when the case was taken up the workman again absented and the management was present. As the workman has not adduced any evidence in support of his claim, it was endorsed by the management that they do not want to adduce evidence in case; as such opportunity to adduce evidence by both the sides was closed. The case was fixed for 17.08.2011, for arguments.



12. The workman side moved an application duly supported with affidavit requesting there in to recall the order dated 11.05.11. The case was again taken up on 14.12.11, and after hearing both the sides the said application of the workman was allowed subject to cost of Rs.150/- and the order dated 11.05.11 was recalled and the opposite party was permitted to cross-examine the workman and 23.03.2012 was fixed for the purpose.
13. The case was taken up for hearing on 29.04.2013 workman again did not turn up for his cross-examination so the management could not get the opportunity to cross the workman on his evidence adduced on affidavit. Therefore, evidence of the workman was closed and the case was again fixed for evidence of the opposite party.
14. Yet again the opposite party submitted that since the workman has not adduced any evidence in support of his claim, therefore, management is not inclined to adduce any evidence in support of their case and the management has also made an endorsement on the order sheet itself on 03.07.2012.
15. The case was finally reserved for award after hearing the arguments of both the sides.
16. The tribunal has heard arguments of both the sides at length and has also gone through the entire file carefully.
17. By a bare perusal of entire records of the file it is amply clear that the workman has filed certain documents some of which are in original and some of which are photocopies. Workman has also filed his evidence on affidavit. It is settled legal position that the documents in the nature of photocopies have got no evidentiary value unless proved by showing its original. Considering the evidence of the workman on affidavit, he was given opportunity twice for his cross-examination at the hands of the opposite party but on both the occasions the workman failed to appear.
18. Workman has also filed another affidavit dated 17.10.2012 in evidence along with another affidavit of the same date stating that he is suffering with hyper tension, high blood pressure and chest pain and is running under treatment and showed his inability to attend the court. After filing this affidavit also he has not put in his attendance in the Court. As the management could not get the opportunity to cross-examine the workman and the workman deliberately avoided his attendance in the Court,

therefore, both the affidavits filed by him by way of evidence could not be considered to be the evidence of the workman.

19. Management has cited a case law of Hon'ble Allahabad High Court, reported in FLR 1981(29) VK Raj Industries V. Labour Court, wherein the Hon'ble High Court has held that in the absence of any evidence, the Labour Court had no jurisdiction to hold the order of termination illegal.
20. The law relied upon by the management apply with full swing to the facts and circumstances of the present, therefore, applying the above law and in view of above discussion, tribunal is of the confirm view that it is a case where in either the Union or the workman has not adduced any evidence in support of their claim.
21. Considering the facts and observations of the case, it is held that neither the Union nor the workman is entitled for any relief as claimed by them for want of evidence and proof.
22. Reference is therefore liable to be answered against the Union and in favour of the management. Reference is decided accordingly against the workman/union.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 858.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 82/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल-12012/29/2012-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 858.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Kanpur as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 22.04.2015.

[No. L-12012/29/2012-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL- CUM  
LABOUR COURT, KANPUR.****Present—Sri Sbbhubhendra Kumar, HJS.**

Industrial Dispute No. 82 of 2012

**Between—**

Sri Rajesh Kumar son of Sri Khetpal Singh,  
Resident of Mohalla Kabir Nagar,  
Tapakala Road,  
Firozabad, U.P.

**And**

The Regional Manager,  
Punjab National Bank,  
Regional Office,  
Vibhav Nagar,  
Agra U.P.

**AWARD**

1. Central Government, Mol, New Delhi, *vide* notification No. L-12012/29/2012/IR B-II, dated 05.09.2012, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of Punjab National Bank, Agra, in terminating the service of Sri Rajesh Kumar son of Sri Khetpal Singh workman with effect from 16.11.2000 is just, fair and legal? What relief the workman concerned is entitled to?

3. Briefly stated facts of the case are that the workman was appointed as temporary peon in Punjab National Bank, Firozabad, on 01.01.92. The opposite party Sr. Manager, directed to the applicant to work as such *w.e.f* 1.1.92 and to perform the duties of peon and messenger. It is further alleged by the workman that he has been working since 1.1.92 and his work and conduct always remained above board as the workman did not give any chance to his superior of any complaint. He was never issued any warning during the entire period of his service. The workman was paid his wages monthly through vouchers. When the applicant came to know that the bank is going to appoint regular and permanent peon, he also moved his application on 13.11.2000, through registered post to the Regional Manager, Punjab National Bank, Agra, with copies to the Head Office and Zonal Manager and Senior Manager, Firozabad, to appoint the workman on regular basis. His application was received in the Regional Office on 15.11.2000 and in the branch at Firozabad, on 16.11.2000. After receipt of his application the employer of the bank became annoyed with the

applicant and instead of giving permanent appointment to him they terminated the services of the workman *w.e.f* 16.11.2000, *i.e.* after about 9 years of his continuous service. It is alleged that the workman had completed for more than 240 days in each calendar year therefore, the termination of the service of the workman attracts provision of retrenchment as defined under section 2 (00) of the Industrial Disputes Act, 1947. Since the bank has breached the provisions of section 25F of the act as the bank had neither offered any notice or notice pay nor retrenchment compensation to him at the time of his retrenchment, therefore, his termination is illegal, unjust and void.

4. It is further alleged by him that the management has also disregarded the provisions of Section 25G and 25H of the act in as much junior to him were retained in the service of the bank and he was not given any chance of his re-employment by the bank when the bank inducted fresh hands in the regular and permanent service of the bank. The workman assailed the legality and propriety of the action of the bank by way of filing a CMWP No. 53991 of 2000 before the Hon'ble High Court, Allahabad, which was finally disposed of *vide* order dated 19.08.2011 on the ground of alternate remedy. Thereafter the applicant approached the appropriate authority *i.e.* ALC© for conciliation and settlement of the dispute and when no amicable settlement was arrived at the matter was sent to appropriate Government and Central Government ultimately finding that there exists an industrial dispute between the contesting parties referred the matter to this tribunal for adjudication. It is again reiterated by the workman that the action of the management was illegal, unjust and unfair. It is also alleged that the action of the employer is vindictive in nature due to annoyance of the higher ups of the bank.

5. On the basis of above grounds it has been prayed by the workman that he be reinstated in the service of the bank with full back wages, continuity of service with all consequential benefits.

6. The opposite party Punjab National Bank filed their reply against the claim wherein the claim of the workman has been vehemently refuted on a number of grounds, *viz.*; that the Sr. Manager, Branch Office, Firozabad, is not the appointing authority for any employee of the bank, even a class IV employee. The appointing authority was the then Regional Manager and presently the Circle Head of the Bank. Being so the applicant could not be employed by any officer below the rank of Regional Manager/Circle Head; that the recruitment in subordinate cadre is processed in terms of Government guidelines and recruitment policy of the bank; that there never existed relationship of employer

and employee between the bank and the workman; that the workman had given on hire a generator set of 7.5 HP for the use of the bank premises on fixed charges of per hour running basis and the charges remained increasing due to passage of time and also due to escalation of prices of diesel etc., and the last rate of charges was Rs. 28/- per hours; that the services supplied had become unsatisfactory and on complaint, the applicant refused to change the engine and provide new generator set and for that reason availing of services of generator from the applicant was discontinued with effect from 16.11.2000; that the salaries to all the bank employees are paid by crediting in their respective accounts with the bank through salary bills which are prepared each month and kept on record of the bank and the applicant was never paid any salary whatsoever; that the bank has admitted the letter of the applicant which is of date 13.11.2000, but it is absolutely false to state therein that there was any requirement for appointment of peon in the branch of the bank at Firozabad; that the letter dated 13.11.2000 of the applicant is a peshbandi and is of no consequence and does not convey any right whatsoever on the bank; that the applicant *vide* letter dated 16.11.2000 was asked to stop the services of generator set in the bank premises and the applicant with *malafide* intention with held the said letter and had fabricated a case of alleging himself to be the employee of the bank and that his services were terminated orally; that the contention of the applicant are misconceived in the absence of relationship of employer and employee, therefore, the provisions of the Act are not applicable in the case of the applicant and lastly it is submitted by the bank that question of termination of the service does not arise in the absence of relationship of employer and employee between the bank and applicant.

7. Therefore, the claim of the applicant is liable to be rejected being devoid of merit.

8. The workman has also filed rejoinder in the case and it is alleged that for the purpose of exploitation of poor workman there is difference in the stand of the bank. It is the stand of the bank that the name of all the employees of the bank are entered on the rolls of the bank and payment of salaries are made by crediting his account but for the purpose of exploitation the employer pays to the various employees their salaries through vouchers and their names are not entered in the rolls of the bank.

9. On the basis of above it is once again reiterated that his claim be allowed by this tribunal and he be awarded the reliefs claimed by him in his claim statement.

10. In the instant case the workman apart from adducing his oral evidence has also filed certain documents

in original *vide* application dated 19.02.2014. Paper no. 15/2 is the original appointment letter issued by the Sr. Manager of the branch in the name of the workman. The appointment letter speaks that the workman is appointed as temporary peon with effect from 01.01.1992 and that he will have to open the branch in the morning and to take out the ledger etc; to carry out the dak from the branch to the post office; to perform the work of cheque return and the work relating to telegram and lastly he will also have to perform the work of stitching of vouchers and supplying the water to the bank staff. Photocopy of application dated 13.11.2000 paper no. 14/1 addressed to the Sr. Manager of the branch by means of which he had applied for the post of peon.

11. The workman *vide* his application dated 24.07.2013, has also filed 14 documents *viz.*, 1. Office Order dated 16.06.94, 2. Office Order dated 15.04.95, 3. Office Order dated 26.12.96, 4. Office Order dated 27.02.99, 5. Letter of the bank dated 10.07.98, 6. Letter of the bank dated 04.09.2000, 7. Letter of the bank dated 16.09.2000, 8. Cash Payment voucher (8/1 to 8/153), 9. Dak Delivery Register (9/1 to 9/64), 10. Dak Receipt and dispatch register (10/1 to 10/249), 11. Credit Cash Vouchers (11/1 to 11/186), 12. Bank Letter dated 01.01.92, 13. Application dated 13.11.2000 and 14. High Court order respectively.

12. The workman in his examination in chief has clearly stated that he was appointed as peon at banks Firozabad Branch by an order in writing and was working as such. His work remained satisfactory. He goes on to state that in the branch he had performed the work of stitching of vouchers, bringing out the ledgers, supplying the water to the staff and providing official daks at the right place. He continuously worked till 16.11.2000. He further states that in the month of November the bank was to start recruitment process for the post of peon therefore, by registered post he also submitted his application before the Zonal Office etc., and the said letter received at the Zonal Office on 15.11.2000 and at Firozabad Branch on 16.11.2000. He was terminated by the bank on the ground as to why the workman had placed a demand for regular employment in the bank. He further stated that he had rendered his continuous service without any break and has also rendered more than 240 days in each calendar month. He goes on to state at the time of termination of his services he was neither offered any notice, notice pay or retrenchment compensation by the bank. He approached the Hon'ble High Court, Allahabad, against his termination and accordingly the present reference made to this tribunal. His termination is illegal and by way of annoyance of the officers of the bank. He used to be paid his wages through payment vouchers by the branch against the work performed by him and he has filed the copies of the same in the file. The management has failed to file the original of

those documents despite direction to them by this tribunal.

13. The tribunal by order dated 13.09.2013, had allowed the application paper no. 13/1-2 moved by the workman for summoning of certain documents from the management relating to the period 1992-93 and 1999-2000, and the management was directed to comply with the order by 15.11.13 and also to file papers mentioned at 1(ka) and (Kha). None appeared from the side of the management on 15.11.13 and likewise on 09.12.2013. Similarly when the case was taken up for hearing on 20.01.2014, neither any one appeared on behalf of the management, nor the management made any compliance of the order dated 13.09.13, therefore, it was ordered that necessary inference shall be drawn against the opposite party at appropriate stage.

14. It may be pointed out that once again none appeared before the tribunal on behalf of the management. The workman adduced his evidence and as none was present for the management opportunity to cross examine the workman was closed and the case was reserved for arguments.

15. On 23.12. 2014 when the case was taken up for arguments of the parties once again none was present from the side of the opposite party, hence arguments were over on behalf of the workman.

16. I have heard the arguments advanced by the workman in detail and have also carefully perused the evidence oral as well documentary in details in the light of the pleadings set up by the contesting parties.

17. It is pertinent to mention here that after filing of reply the management filed certain documents in the shape of photocopies and did not led any oral or documentary evidence in support of their case. Mere filing of pleadings cannot be considered unless the same are proved by producing reliable and convincing evidence in support thereof. Therefore, the written statement filed by the opposite party is of no help to the management as the management has palpably failed to support the same by filing cogent and reliable evidence.

18. Now the case of the workman will be examined to see as to whether he had worked continuously for 240 days preceding 12 calendar months from the date of his termination.

19. The workman appeared in the witness box as W.W.1 and has categorically stated that he was appointed as a temporary peon by order in writing issued by the Sr. Manager, Punjab National Bank, Firozabad. He has also filed the original copy of the appointment which is on record and is paper no. 152/2, which shows that he was

appointed as temporary peon with further direction to perform the nature of duties. He has specifically stated in his evidence that he had performed the duties as referred to in the letter of appointment successfully. He further goes on to state that on coming to know about the fact that some recruitment for the post of peon is under process by the bank he moved his application dated 13.11.2000 for his appointment at the post of the peon. He has further stated that on receipt of the application the officers of the bank became annoyed of him and in an illegal manner the officers of the bank dispensed with him for the service from 16.11.2000, without any notice, notice pay or retrenchment compensation.

20. The authorized representative has argued on the point of Sec. 25F of Industrial Disputes Act, 1947, by arguing that as the workman had worked continuously for 240 days preceding the date of his termination, the management ought to have followed the provisions of 25 F of the Act and as the management has violated the provisions of section 25 F of the Act, termination of the service of the workman could be held to be illegal, unjust and unfair.

21. I have considered the definition of section 25 F of the Act and find that it was mandatory on the part of the management to have offered notice, or notice pay or retrenchment compensation to the workman at the time of dispensation of his service as the workman has successfully established his claim for his oral as well as documentary evidence. His evidence remained uncontroverted by the opposite party on this point, therefore, the tribunal is inclined to believe the case of the workman and hold that the action of the bank Agra in terminating the service of the workman with effect from 16.11.200 is neither legal nor just and nor fair.

22. No other point has been argued by the authorized representative for the workman.

23. Before parting with this award, it would not be out of place to mention here that the tribunal is inclined to draw an adverse inference against the bank management to the effect that they have deliberately withheld the documents with them and did not produced the summoned documents by the workman under direction of this tribunal given on 13.09.2013, with a deliberate intent and purpose that if these documents are produced before the tribunal they might support the case of the workman. In the absence of original documents the workman has proved his case by producing documents mentioned in paragraph 11 of the award and proving it by his uncontroverted evidence which also reveals that he has worked continuously from the date of appointment till 16.11.2000.



24. Hence it is held that the management of the bank deliberately did not produce the called for documents before the tribunal with malafide intent and purpose to frustrate the claim of the workman.

25. Therefore, having concluded the action of the management as referred to in reference order is bad in law, therefore, workman is entitled for his reinstatement with full back wages, seniority and all consequential benefits.

26. Reference is answered accordingly in above terms in favor of the workman and against the opposite party.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 859.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम एस किलयर सर्विस प्राईवेट लि के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 110/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं एल-12012/71/2014-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 859.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.110/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of M/s. Clear Service (P) Ltd., and their workmen, received by the Central Government on 22/04/2015.

[No. L-12012/71/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 19th March, 2015

Present: K.P. PRASANNA KUMARI

Presiding Officer

Industrial Dispute No. 110/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),

between the Management of M/s. Clear Secured Services Pvt. Ltd., Chennai and their workman)

#### BETWEEN

Shri M. Suresh : 1st Party/  
Petitioner

#### AND

1. M/s. Clear Secured Service : 2nd Party/1st  
India (P) Ltd. Regd. Office: 501 Respondent  
Rajgir Sadan, Laxmi Baugh  
Opp. to Sion Station, Sion  
(West) Mumbai-2

2. M/s. Clear Secured : 2nd Party/2nd  
Service India (P) Ltd. Respondent  
Shri Ram Prasad, Manager,  
Corporate Office, T. Nadu  
No. 133, S.M. Narayan Nagar  
Anna Nagar West Extn.,  
Mogappair Near MMM Hospital  
Chennai-600001

3. Shri N. Shahul Hameed, MA, BL : 2nd Party/3rd  
36/42, New Bangaru Colony Respondent  
West KK Nagar, Chennai

4. The Chairman : 2nd Party/4th  
M/s. Bank of India, Star House, Respondent  
C-5 G-Block, Bandra Kurla  
Complex Bandra (East)  
Mumbai 400051

5. The Chairman & : 2nd Party/5th  
Managing Director Respondent  
Central Bank of India,  
Chandermukhi Nariman Point  
Mumbai-400021

6. The Chairman : 2nd Party/6th  
HDFC Bank House, Respondent  
Senapati Bapat Marg  
Lower Parel, Mumbai-400013

7. The Chief Managing Director : 2nd Party/7th  
IDBI Bank Ltd., IDBI Tower, Respondent  
WTC Complex, Cuffe Parade,  
Colaba, Mumbai-400005

8. The Chairman & : 2nd Party/8th  
Managing Director Respondent  
Union Bank of India  
239, Vidhan Bhavan Marg  
Mumbai-400021

9. The Chairman & : 2nd Party/9th  
Managing Director Vijaya Bank Respondent  
41/2, Trinity Circle, M.G. Road  
Bangalore-560001

#### Appearance:

For the 1st Party/Petitioner : Nil  
For the 2nd Party/1st, 2nd & 3rd : Shri N. Shahul  
Respondent Hameed, Advocate  
For the 2nd Party/4th : M/s. Pais, Lobo,  
Respondent Advocates

For the 2nd Party/5th and 8th Respondent	: M/s. T.S. Gopalan & Co., Advocates
For the 2nd Party/6th Respondent	: M/s. R. Praveen Kumar, Authorized Representative
For the 2nd Party/7th Respondent	: Smt. S. Saranya, Advocate
For the 2nd Party/9th Respondent	: Shri S. Rajasekhar, T. Anantha Sekar, Advocates

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 860.**— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कारपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (09/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 22/04/2015 को प्राप्त हुआ था।

[सं एल-12012/75/2014-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/71/2014-IR (B-II) dated 01.12.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

*"Whether the action of the Management of M/s. Clear Secured Services (P) Ltd., Chennai regarding termination of the service of the petitioner Shri M. Suresh is justifiable or not? What relief the petitioner is entitled to?"*

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID No. 110/2014 and issued notices to both sides. On receipt of notice, the petitioner has appeared in person and the Respondents through their counsel. The case was posted for filing Claim Statement and documents. However, on the next hearing date the petitioner was absent. There was no representation on his behalf also. On the next hearing date also the petitioner was absent and without any representation. When the matter was called today also the petitioner was absent. From the continuous absence of the petitioner, it is to be assumed that he is not interest in proceeding with the case. The reference is to be answered against him.

In the result the reference is answered again the petitioner. An award is passed accordingly.

K.P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined**

For the 1st Party/Petitioner	: None
For the 2nd Party/Management	: None
Documents Marked	
On the Petitioner's side	

Ex.No.	Date	Description
	Nil	

**On the Petitioner's side**

Ex.No.	Date	Description
	Nil	

New Delhi, the 22nd April, 2015

**S.O. 860.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 09/2015) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Corporation Bank and their workman, received by the Central Government on 22/04/2015.

[No. L-12012/75/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, CHENNAI**

Thursday, the 18th March, 2015

**Present:** K.P PRASANNA KUMARI,  
Presiding Officer

**Industrial Dispute No. 9/2015**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Corporation Bank and their workman)

**Between**

Smt. K.S. Shanthi : 1st Party/Petitioner

**And**

The General Manager : 2nd Party/Respondent  
Corporation Bank  
Head Office, Mangaladevi  
Temple Road Pandeshwar  
Mangalore-575001

**Appearance:**

For the 1st Party/Petitioner : Nil  
For the 2nd Party/Respondent : M/s. V. Suthakar,  
K.S. Viswanathan,  
Advocates

**AWARD**

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12012/75/2014-IR (B.II) dated 06/09.01.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the denial of appointment as a regular Sub-Staff to Smt. K.S. Shanthi of Corporation Bank, who was empanelled as a Temporary Sub-Staff by the Management of Corporation Bank, Coimbatore is legal and justifiable? What relief the petitioner is entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID No. 9/2015 and issued notices to both sides. On receipt of notice the Respondent has entered appearance through Counsel. Though the petitioner has received notice she has not entered appearance.

3. The petitioner seems to be not interested in prosecuting the case as could be discerned from her failure to respond to the notice. In the absence of any material to support the case of the petitioner this Tribunal is not in a position to adjudicate the case on merits.

Accordingly, the reference is answered against the petitioner.

K.P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined**

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

**Documents Marked****On the Petitioner's side**

Ex.No.	Date	Description
	Nil	

**On the Management side**

Ex.No.	Date
	Nil

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 861.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एमएस किलयर सर्विस प्राईवेट लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (08/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 22/04/2015 को प्राप्त हुआ था।

[सं. एल-12012/70/2014-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 861.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 08/2015) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the industrial dispute between the management of M/s Clear Service (P) Ltd, and their workman, received by the Central Government on 22/04/2015.

[No. L-12012/70/2014-IR(B-II)]  
RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, CHENNAI**

**Thursday, the 19th March, 2015**

**Present:** K.P. Prasanna Kumari,  
Presiding Officer

**Industrial Dispute No. 8/2015**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of M/s. Clear Secured Services Pvt. Ltd., Chennai and their workman)

**Between**

Sri N. Rajkumar	1st Party/ Petitioner
-----------------	--------------------------

**AND**

1. M/s. Clear Secured Service India : 2nd Party/  
(P) Ltd. Regd. Office: 501 Rajgir 1st Respondent  
Sadana, Laxmi Baugh Opp. to  
Sion Station, Sion (West)  
Mumbai-2
2. M/s. Clear Secured Service India : 2nd Party/  
(P) Ltd. 2nd Respondent  
Shri Ram Prasad, Manager,  
Corporate Office, T. Nadu  
No. 133, S.M. Narayan Nagar  
Anna Nagar West Extn., Mogappair  
Near MMM Hospital  
Chennai-600001
3. Sri N. Shahul Hameed, MA., BL : 2nd Party/3rd  
36/42, New Bangaru Colony Respondent  
West KK Nagar, Chennai
4. The Chairman : 2nd Party/4th  
M/s. Bank of India, Star House, Respondent  
C-5, G-Block, Bandra Kurla  
Complex Bandra (East)  
Mumbai-400051

5. The Chairman & Managing Director, Central Bank of India, Chandermukhi, Nariman Point, Mumbai-400021 : 2nd Party/5th Respondent
6. The Chairman, HDFC Bank House, Senapati Bapat Marg, Lower Parel, Mumbai-400013 : 2nd Party/6th Respondent
7. The Chief Managing Director IDBI Bank Ltd., IDBI Tower, WTC Complex, Cuffe Parade, Colaba Mumbai-400005 : 2nd Party/7th Respondent
8. The Chairman & Managing Director, Union Bank of India 239, Vidhan Bhavan Marg Mumbai-400021 : 2nd Party/8th Respondent
9. The Chairman & Managing Director, Vijaya Bank, 41/2, Trinity Circle, M.G. Road, Bangalore-560001 : 2nd Party/9th Respondent

**Appearance:**

- For the 1st Party/Petitioner : Nil.
- For the 2nd Party/1st, 2nd and 3rd Respondent : Sri N. Shahul Hameed, Advocate
- For the 2nd Party/4th Respondent : M/s. Pais, Lobo, Advocates
- For the 2nd Party/5th and 8th Respondent : M/s T.S. Gopalan & Co., Advocates
- For the 2nd Party/6th Respondent : M/s. R. Parveen Kumar, Authorized Representative
- For the 2nd Party/7th Respondent : Smt. S. Saranya, Advocate
- For the 2nd Party/9th Respondent : Sri Muthu Shanmuga Raja, Advocate

**AWARD**

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12012/70/2014-IR (B-II) dated 05/10.01.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of M/s. Clear Secured Services (P) Ltd., Chennai regarding termination of the service of the petitioner Sri N. Rajkumar is justifiable or not? What relief the petitioner is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID No. 8/2015 and issued notices to

both sides. On receipt of notice the petitioner has appeared in person and the Respondents through their counsel.

3. Though the petitioner was present on the first hearing date he has absented himself continuously on the subsequent hearing dates. There was no representation on his behalf also. The petitioner has not filed Claim Statement or produced document in support of his case. The petitioner seems to be not interested in proceeding with the case. So the ID is only to be answered against the petitioner.

In the result the reference is answered against the petitioner. An award is passed accordingly.

K.P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined:**

- For the 1st Party/Petitioner : None
- For the 2nd Party/Managements : None

**Documents Marked:****On the petitioner's side**

Ex. No.	Date	Description
	N/A	

**On the Management's side**

Ex. No.	Date	Description
	N/A	

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 862.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद.2 के पंचाट (संदर्भ सं. 01/1999) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं एल-12012/30/98-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 862.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/1999) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 22/04/2015.

[No. L-12012/30/98-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD,****PRESENT**

Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

**REFERENCE No. 01 OF 1999.**

**Parties** : Sh. Arjun Rajak,  
S/o Kashi Rajak, East  
Lohanipur, Sakchuligali, Post  
Kadamduan, Patna-800003.  
Vs.  
The Zonal Manager  
Bank of India, Zonal Office,  
'R' Block, Chanakya Palace,  
Patna-800001,  
Order No.L-12012/30/98/IR  
(B-II)dt.29/30.12.1998.

**Appearances** :  
On behalf of the : Mr. K. Chakraborty,  
workman/Union Ld. Advocate  
On behalf of the : Mr. R.A. Chamaria  
Management Ld. Advocate  
State : Bihar Industry : Banking

Dated, Dhanbad, the 20th May, 2014.

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(I)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-12012/30/98/IR(B-II) dt. 29/30.12.1998.

**SCHEDULE**

"Whether the action of the Management of Bank of India in terminating the services of Sh. Arjun Rajak *w.e.f.* 01.01.1992 is legal and justified? If not, to what relief the said workman is entitled?"

2. Neither K. Chakraborty, Ld. Advocate for nor workman Arjun Rajak appeared nor R.A. Chamaria, Ld. Advocate for the O.P./Management present.

On perusal of the case record, it stands clear that on several occasions despite Regd. Notices including Show Cause one neither the workman nor evidence on his behalf produced; hence the evidence of the workman was already closed on 23.5.2008. The case is *prima facie* of no evidence. The present Reference relates to an issue relating to termination of the workman service *w.e.f.* 01.01.1992.

Under these circumstances, the case is closed as no Industrial dispute existent. Accordingly an Award of No Dispute is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 22 अप्रैल, 2015

का.आ. 863.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार युनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (38/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल-12012/43/2011-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 863.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 38/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen, received by the Central Government on 22/04/2015.

[No.L-12012/43/2011-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI****Wednesday, the 11th February, 2015****Present :** K.P. Prasanna Kumari, Presiding Officer**Industrial Dispute No. 38/2012**

(in the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Union Bank of India and their workman)

**BETWEEN**

Sri Saravana Babu : 1st Party/Petitioner

**AND**

The Branch Manager : 2nd Party/Respondent  
Union Bank of India  
953, K.N.K. Raod  
Erode-638003

**Appearance:**



For the 1st Party/Petitioner : M/s. K.M. Ramesh,  
Advocates  
For the 2nd Party/ : M/s. T.S. Gopalan & Co.,  
Respondent Advocates

### AWARD

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12012/43/2011-IR(B. II) dated 21.06.2012 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

"Whether the action of the management of Union Bank of India in terminating the services of Sri Saravana Babu *w.e.f.* 01.08.2008 is legal and justified? What relief the workman is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 38/2012 and issued notices to both sides. Both sides have entered appearance through their counsel and filed Claim and Counter Statement respectively.

3. The averments in the Claim Statement filed by the petitioner in brief are as below:

The petitioner joined the service of the Respondent Bank on 15.07.2003 as Casual Sub-Staff-cum-Part Time Sweeper on daily wages. The petitioner had been working continuously without any break since the date of joining. He had been discharging his duties diligently and sincerely. The Respondent had illegally and unjustifiably terminated the petitioner from service. In spite of repeated representations the petitioner was not reinstated or regularized in service. The action of the Respondent in not regularizing the petitioner in service is arbitrary, illegal and unjustified. The petitioner has worked continuously for more than 240 days in each calendar year especially in the year prior to his illegal termination. While terminating the petitioner from service the Respondent did not give notice or pay any compensation for his past service. This is in violation of Section-25F of the Industrial Disputes Act. Persons who joined the service of the Respondent subsequent to the petitioner have been regularized in service and they are still in service. Thus the Respondent has contravened Section-25(G) of the ID Act. The petitioner is entitled to be reinstated in service with back wages, continuity of service and other attendant benefits. An order may be passed accordingly.

4. The Respondent has filed Counter Statement contending as follows:

Recruitment to the post of Subordinate Staff/Part-Time Staff is made by requisition to the Employment Exchange to sponsor candidate or by advertisement in the newspaper. It is not permissible for a Branch Manager or any Officer to make appointment for the post of Attender or Part-time Sweeper. At best the Branch Manager can engage a casual subordinate staff or casual part-time sweeper whose tenure of employment would automatically come to an end once a permanent staff is appointed to the post. Small-Scale Industries Branch of the Respondent was opened at Erode in 1995. A subordinate staff was posted at the Branch only in 2007. Even after one was posted permanently the engagement of the petitioner as a Casual Part-Time Sweeper continued. When this irregularity was noticed his engagement was put an end to from 01.08.2008. When there was advertisement in the newspaper inviting applications for the post of Part-Time Sweeper in July 2008 the petitioner also had applied for the post. But he had not satisfied the age criteria. The petitioner had availed an education loan of Rs. 33,350/- in 2005 on behalf of his sister and another loan of Rs. 25,000/- for opening a tailoring shop. When the Bank searched for the petitioner for the recovery of the outstanding loan it was gathered that he had gone to Tiruppur where he had taken up employment in a hosiery unit. In the case of Casual Sweeper there is no question of application of Section-25F or Section-25G of the ID Act. The petitioner is not entitled to any relief.

5. The evidence in the case consists of oral evidence of WW1 and MW1 and documents marked as Ext. W1 to Ext. W4 and Ext. M1 to Ext. M24.

6. The points for consideration are:

- (i) Whether the action of the Management in terminating the service of the petitioner *w.e.f.* 01.08.2008 is legal and justified?
- (ii) What is the relief, if any, to which the petitioner is entitled?

### The Points

7. The petitioner had been working as Casual Part-Time Sweeper on daily wages in the Small-Scale Industries Branch of the Respondent Bank at Erode opened in 1995, from the year 2003. He had continued to work in the Branch till 01.08.2008. In 2007 itself a permanent hand had joined the Branch as Part-Time Sweeper. The petitioner seems to have continued in the Branch for some more time after the permanent hand had joined. He was terminated *w.e.f.* 01.08.2008. According to the petitioner, his termination from service is in violation of Section-25F and G of Industrial Disputes Act. He had claimed in the Claim

Statement that he is entitled to be reinstated in Service with back wages and continuity of service.

8. The petitioner has been examined as WW1. He had stated that he had been working continuously without any break after he joined the service of the Bank in 2003 and had been discharging his work diligently. He had further stated that he had worked for more than 240 days in each calendar year and in spite of this he had been terminated from service in violation of Section-25F of the Industrial Disputes Act. According to him, those persons who had joined the services of the Respondent subsequently have been regularized in service and for this reason the Respondent has violated Section-25G of the Act as well.

9. It is not disputed by the Respondent that the petitioner had been working under it till 01.08.2008 on casual basis. MW1 was the manager of SSI Branch of the Respondent at Erode when the petitioner was terminated from service. This witness has deposed that at the time when he joined the Branch, the petitioner was working as casual labour besides Bhoopathy who was posted as Permanent Part-Time Sweeper. He has received oral instruction from the Zonal Office that when a Permanent Part-Time Sweeper was working there was no necessity to retain a casual labour and the engagement of the petitioner was to be stopped. It is accordingly MW1 had stopped engaging him after 31.07.2008. According to MW1 the petitioner had been working in hosiery unit at Tiruppur and had worked in a finance company also after he left the service of the Respondent.

10. The claim of the petitioner in the Claim Statement is for reinstatement in service. No doubt, he had worked in a branch of the Respondent Bank from 2003 to 2008 as a casual labour. Even before he was terminated from service, a permanent hand had joined the branch. He was terminated from service when it was noticed that he is continuing even after the person who was posted permanently had joined.

11. The petitioner who was terminated from service on 01.08.2008 had challenged the same by raising a dispute only after a period of 2 years. Even as seen from his own admission, during this period he had tried his luck in a hosiery unit, though he would say that it was only for one week. He had also availed a loan Rs. 25,000/- for starting a tailoring unit. Apart from this, he had applied for the post of Permanent Part-Time Sweeper in response to the advertisement by the Bank in July 2008, but he was not considered for the post since he did not satisfy the age criteria.

12. The demand of the petitioner in the Claim Statement is only to reinstate him in service on the allegation that his termination was in violation of Section-25F of ID Act. His engagement by the Bank being only as a casual labourer, on

his reinstatement also it could be as a casual labourer only. In such circumstances rather than reinstatement the proper relief would be compensation, it has been pointed out by the counsel for the Respondent. He has referred to the decision of the Apex Court in Harinandan Prasad and another Vs. Food Corporation of India reported in 20147 SCC 190 in this respect. The Apex Court has held in this case that it would be difficult to give the relief of reinstatement to the persons who were engaged as daily wagers and whose services were terminated in a distant past and where the termination is held to be illegal only on technical ground or not adhering to the provisions of Section-25F of the Act. In the above the Apex Court has referred to a previous case reported in 2014 7SCC 177 where it was held that when it comes to the case of termination of a daily wage worker and where the termination is found illegal because of a procedural defect viz. violation of Section-25F of the ID Act the Court was consistent in taking the view that reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which would meet the ends of justice.

13. In the present case the grievance of the petitioner is that he was terminated from service without resorting to notice and compensation as required under Section-25F of the Industrial Disputes Act. It has been pointed out by the Apex Court that if the workman is reinstated in service on account of such procedural violation the employer is entitled to terminate him from service again after resorting to the procedure. So rather than reinstatement, compensation would be the proper remedy for the petitioner in the circumstances of the case. Considering the duration for which the petitioner had worked I fix the compensation payable to him as Rs. 1,50,000/-.

In view of my discussion above, the Respondent is directed to pay the petitioner Rs. 1,50,000/- as compensation. The amount will carry interest at the rate of 9% per annum from the date of the award if not paid within a month.

The reference is answered accordingly.

K. P. PRASANNA KUMARI, Presiding Officer

#### Witnesses Examined —

For the 1st Party/Petitioner	: WW1, Sri Saravana Babu
For the 2nd Party/Management	: MW1, Sri A. Palaniswamy

#### Documents Marked

On the petitioner's side

Ex.No.	Date	Description
Ex.W1	—	Certificate issued by the Respondent to petitioner

Ex.W2	18.10.2005	Certificate issued by Respondent to petitioner	Ex.M16	21.01.2011	Letter from Respondent to ALC (C) Madurai
Ex.W3	21.03.2005	Letter to Post Master, Erode with endorsement authorizing petitioner	Ex.M17	31.01.2011	Conciliation failure report ALC (C) Madurai
Ex.W4	29.03.2005	Letter of Poster Master, Erode authorising petitioner	Ex.M18	10.08.2010	Letter from R. Saravana Babu and R. Madhu - Education Loan - no repayment a/c turned N.P.A. - since March, 2010
<b>On the Management's side</b>					
<b>Ex.No.</b>	<b>Date</b>	<b>Description</b>			
Ex.M1	20.02.2007	Application by the petitioner as proprietor of Saravanan Cotton	Ex.M19	10.08.2010	Letter from Respondent to petitioner's term loan repayment — irregular and a/c turned NPA — Since 2008
Ex.M2	26.09.2008	Paper publication/"Dina Thanthi" calling for application for post of Sub-staff prescribing education and age/criteria etc.	Ex.M20	—	Order of appointment of Bhoopathi as part time Sweeper
Ex.M3	22.08.1996	Transfer Certificate of petitioner	Ex.M21	29.03.2006	Letter from Respondent to Senior Post Master, Erode with pay order copy
Ex.M4	20.05.2005	Education loan application submitted by the petitioner for his sister addressed to the Respondent with sanction order and on demand note	Ex.M22	01.02.2006	Letter from Respondent to Central Bank of India, Erode
Ex.M5	06.09.2006	Sanction of loan for Small-Scale business	Ex.M23	02.02.2006	Letter from Respondent to Central Bank of India, Erode
Ex.M6	28.05.2007	D/B note dated 28.05.2007 for Rs. 25,000/-	Ex.M24	27.03.2006	Encashment matured NSC of G. Visvam by forfeiture
Ex.M7	28.05.2007	Term Loan Agreement executed by the petitioner	नई दिल्ली, 22 अप्रैल, 2015		
Ex.M8	18.08.2009	Letter from UBI Regional Office, Salem to Respondent Branch forwarding the representation of Saravana Babu dated 03.10.2008 received on 07.07.2009 — addressed to CMD, Mumbai	का.आ. 864.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ सं. 7/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।		
Ex.M9	18.10.2005	Certificate issued to petitioner by the Branch Manager, Erode	[सं. एल-12011/27/2012 - आई आर (बी-II)]		
Ex.M10	18.10.2005	Certificate issued to the petitioner by the Respondent	रवि कुमार, डेस्क अधिकारी		
Ex.M11	03.10.2008	Letter from petitioner addressed to Respondent/Managing Director, Mumbai	New Delhi, the 22nd April, 2015		
Ex.M12	03.10.2008	Letter from petitioner - in Tamil enclosing copy of 15 documents addressed to M.D., Mumbai	<b>S.O. 864.</b> —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/ 2013) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Bank and their workmen, received by the Central Government on 22.4.2015.		
Ex.M13	—	2(A) petition filed by the petitioner before ALC (C) Madurai	[No. L-12011/27/2012 - IR(B-II)]		
Ex.M14	21.10.2010	Reply from Respondent to ALC (C) Madurai	RAVI KUMAR, Desk Officer		
Ex.M15	—	Rejoinder by the petitioner to the counter of Respondent to ALC (C)			



**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
CHENNAI****Wednesday, the 17th December, 2014****Present:** K.P. Prasanna Kumari, Presiding Officer**Industrial Dispute No. 7/2013**

[ In the matter of the dispute for adjudication under clause (d) sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workman]

**Between**

The General Secretary : 1st Party/Petitioner  
Indian Bank Employees Union  
Association (T. Nadu)  
17, Ameerjan Street, Choolaimedu  
Chennai - 600094

**And**

The Dy. General Manager : 2nd Party/  
Disciplinary Authority Respondent  
Indian Bank, Circle Office  
Katpadi Road,  
Vellore

**Appearance:**

For the 1st Party/Petitioner Union : Sri G. Gopal,  
Authorized  
Representative

For the 2nd Party/Respondent : M/s T.S. Gopalan &  
Co., Advocates

**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/27/2012-IR (B.II) dated 22.01.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

*"Whether the action of the management of Indian Bank in imposing the punishment of reduction of increment by one stage upon Smt. M. Jaya, SR No. 54784, Indian Bank, Arni Branch is legal and justified? What relief the workman is entitled to?"*

2. On receipt of the notice this Tribunal has numbered it as ID 7/2013 and issued notices to both sides. The petitioner has appeared through Authorized Representative and the Respondent through the counsel and filed claim and Counter Statement respectively. The petitioner has filed rejoinder in answer to the Counter Statement.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner is a Union registered under Trade Unions Act. It has substantial following among the workmen of the Second Respondent Bank. By letter dated 26.06.2007 Indian Bank Zonal Office, Vellore issued a letter to Smt. Jaya, a member of the petitioner union seeking explanation for certain irregularities allegedly committed by her while she was working in Arni Branch of the Indian Bank. Jaya has sent reply denying the allegations against her. Not satisfied with this, the Zonal Office has issued Show-Cause Notice calling for explanation for the charges given in that. It was alleged against Jaya that she has failed to verify whether two instruments were in order on all respects and failed to obtain the signature of the presenter on the reverse of the instrument at the issue of token, that the instruments were found to be fraudulent and Smt. Jaya has failed to protect the interest of the Bank, that she failed to ensure in respect of a transaction dated 30.07.2005 whether the person who received payment is the one entitled to receive and also failed to get acknowledgment of the payee on the reverse of the instrument against which payment was made, that the transaction was found to be fraudulent and this also she failed to protect the interest of the Bank. It was also alleged that she facilitated withdrawal of money from the accounts of three deceased pensioners resulting in misuse of Government funds, that the transactions were found fraudulent on verification. Though a reply was given to the memo it was not accepted and a charge sheet was issued and a domestic enquiry was held against Jaya. On the basis of enquiry report Jaya was given the punishment of reduction to lower scale of pay by one stage for the second charge and censure for the charges 1 and 3. Though an appeal was filed the same was dismissed. The dispute is raised accordingly. An Order may be passed holding that the punishment is not justified and directing the Respondent to restore monetary loss suffered by the workman because of the unjust punishment.

4. The Respondent has filed Counter Statement contending as below:

In the year 2005 Arni Branch of the Respondent Bank was in the process of switching over to Core Banking Solutions. In the course of such conversion operations the Govt. of India. Pension Account of the Branch came up for scrutiny and members of the project team who were carrying out electronic data

processing to core banking solutions suspected some irregularities in the matter of payment of pension to some of the deceased pensioners. An investigation team was formed and in the course of investigation it came to light that pension was paid to some of the pensioners after their death by means of withdrawal slips. In all such transactions, pension account of the deceased pensioners was credited with large amounts by debiting Govt. of India pension account and thereafter withdrawal of amount was engineered through presenting withdrawal slip by unauthorized persons. Such fraud was perpetrated by one of the managerial staff of the Bank. Jaya who was a ledger clerk at that time had accepted withdrawal slips not accompanied by Pass Book of the account holders. She had not examined errors or mistakes in the instruments and had allowed token to be issued at the instance of Asstt. Branch Manager who was behind the fraud. While she was acting as payment cashier she had made payments through withdrawal slips not accompanied by Pass Books and without taking the signature of the person who was receiving the cash. In respect of three transactions she made entries in the ledger and permitted unauthorized issuance of token in respect of the relevant deceased pensioner's account. She also made payment through withdrawal slips though they were not accompanied by Pass Book and without taking the signature of the persons who received the amount. Asstt. Branch Manager, Elango and seven staff members including the concerned workman were proceeded by way of disciplinary action. While the Branch Manager was dismissed from service the seven Clerical Staff were awarded appropriate punishments. The punishment imposed on Jaya is fully justified. The petitioner is not entitled to the relief claimed.

5. In the rejoinder filed, the petitioner has denied the contentions in the Counter Statement and also reiterated the averments in the Claim Statement.

6. The evidence in the case consists of oral evidence of WW1 and documents marked as Ext. W1 to Ext. W13 and Ext. M 1 to Ext. M 10.

**7. The points for consideration are:**

- (i) Whether the action of the Respondent in imposing the punishment of reduction of increment by one stage on Jaya, the concerned workman is legal and justified?
- (ii) What if any is the relief to which the concerned workman is entitled?

**The Points**

8. Jaya, who was working as Clerk in Arni Branch of the Respondent Bank, a member of the Petitioner Union was imposed with the punishment of reduction in scale of pay by one stage and censure by the order of the Disciplinary Authority dated 02.07.2009. Jaya is said to have committed the misconduct of not properly verifying certain instruments and making payments. On verification it turned out that the transactions were all in respect of deceased pensioners and payment was made to pensioners who were not alive. The Respondent Bank happened to detect the fraudulent transactions consequent to the investigation conducted by a team on suspicion raised by the project team who were scrutinizing the pension account. It was revealed on investigation that the Asstt. Branch Manager of the Bank had perpetrated fraud by managing payments in the names of the pensioners through withdrawal slips. Some of the staff including Jaya, the workman concerned herein are alleged to have dealt with the instruments in question without necessary verification or scrutiny as per the procedure. It is alleged against the petitioner that regarding three transactions she made entries in the ledger on the basis of withdrawal slips which were not accompanied by Pass Books. She had also made payments through withdrawal slips without getting signature of the persons who received the amount.

9. Ex.W2 is the reply given by the concerned workman to the Show Cause Notice issued to her. On going through the explanation it could be seen that the concerned worker had not denied any of the charges against her. On the other hand, she had been giving reasons for her failure to comply with the procedure. The incidents referred to in the memo had occurred during the period from July to October, 2005. The concerned worker had worked as Clerk-cum-Shroff in Arni Branch from the year 2003 to 2007. In answer to the Show Cause Memo what she has stated is that since substitutes were not provided to two persons who were relieved the work burden in Arni Branch had become heavier and there was increased pressure from the customers in all the counters. She had further stated that to reduce the customers crowd staff members including Subordinate staff were pressed to give tokens to the customers. According to her it has become practically impossible to get identification address to the tender of the instrument. She has further stated that she used to verify the details of the instruments like account number, amount, drawer's signature, etc. and used to send them for passing to the Desk Officer. Her further justification is that there was no message or mail of the death of the account holders and the accounts were not locked up but were in operative condition and so she had

debited the accounts. According to her had the accounts been locked up on receipt of the death intimation of the account holder, operation of the accounts would not have been possible.

10. Before the Enquiry Officer the relevant documents were produced and were marked. As seen from the charge sheet the concerned workman had processed two instruments of the amount of Rs. 15,000/- and Rs. 30,000/- respectively, both in the name of deceased pensioners. The documents pertaining to this have been produced before the Enquiry Officer. It is not disputed by the concerned workman that she has not processed these documents also. As per the second charge she has made payment against one instrument in the name of deceased pensioner. That the payment was made by her is not denied by her. The third charge is that she has facilitated withdrawal of money from the deceased pensioner's account. This charge is related to the first two charges since the three transactions mentioned in this are those referred to in the first two charges itself.

11. The concerned workman herself was not examined before this Tribunal. On the other hand, the petitioner, the General Secretary of the Association has been examined. He has nothing to do with the incident directly except that he is an office bearer of the association. He had not worked in the Arni Branch of the Bank at all. He did not represent the concerned workman in the enquiry proceedings also.

12. The excuses made by the concerned workman for not complying with the instructions while dealing with the instruments is not justified at all. It is very much clear from her own explanation that she had not been complying with the instructions while dealing with the instruments. She was allowing issue of token based on withdrawal slip which is not accompanied with Pass Book. She was not verifying the signature of the account holder. She has made payment to the wrong person/persons in the absence of proper verification. The Bank itself was probably aware that all these were done by her not deliberately but it was the result of total indifference and negligence on her part. But this is not expected from an employee of the Bank which is dealing with public funds. She should have been more careful while she was dealing with the instruments that came to her. Her case that the accounts were not locked even if the pensioners are not alive is no justification at all. She was expected to thoroughly verify the documents and follow the procedure in the course of her work. If she was careful, the Asstt. Branch Manager who had perpetrated the fraud would not have been able to commit fraud and withdraw lakhs of rupees lying in the Government of Indian Pension Fund. The

Enquiry Officer has rightly held that the workman in question had committed the misconduct.

13. The Disciplinary Authority had awarded the punishment of reduction to one pay scale and censure only on the concerned worker. Thus he has shown leniency in the matter of punishment. Once it found that the finding of the Enquiry Officer is justified this Tribunal is not competent to interfere with the punishment in so far as it is not coming under Section-11A of the Industrial Disputes Act. So the petitioner is not entitled to any interference in the matter of punishment also. I find that the dispute is without any merits.

14. In view of my finding above, the reference is answered against the petitioner.

An award is passed accordingly.

K.P. PRASANNA KUMARI, Presiding Officer

#### Witnesses Examined:

For the 1st Party/Petitioner Union : WW1, Shri K. Krishnan

For the 2nd Party/Management : None

#### Document Marked:

##### On the petitioner's side

Ex.No.	Date	Description
EX. W1	15.05.2008	Show Cause Note CO/VLR/VIG/F311/199/2008 issued to Ms. M. Jaya (CSE)
EX. W2	03.06.2008	Reply to the above charge sheet with copy of the Voucher
EX. W3	10.12.2006	Confession letter by the then Assts. Branch Manager of Arni Branch Sri D. Elangovan for the fraud committed by him
EX. W4	10.12.2006	Letter from Shri D. Elangovan giving his property as security for his fraud
EX. W5	10.12.2006	Letter from Shri D. Elangovan with a Promissory Note for Rs. 22,00,000 favour Indian Bank as security for his fraud
EX. W5	17.09.2008	Proceedings of the Preliminary Enquiry
EX. W6	14.10.2008	Proceedings of the enquiry
EX. W7	17.11.2008	Presenting Officer's summing up report
EX. W8	15.12.2008	Defense summing up
EX. W9	—	Letter from Ms. M. Jaya to the Disciplinary Authority as reply to Enquiry Officer's findings

EX. W10	11.03.2010	Orders of the Appellate Authority
EX. W11	27.09.2010	Letter/IBEA/GEN/17/2010-13 by the Union to the Asstt. Labour Commissioner raising an Industrial Dispute against the punishment of Ms. M. Jaya
EX. W12	24.10.2011	Rejoined filed by the Union in the ALC

**On the Management's side**

Ex.No.	Date	Description
EX. M1	29.07.2008	Charg Sheet—CO/VLR/VIG/F311/364/2008 issued to Mrs. M. Jaya
EX. M2	11.02.2009	Findings of the Enquiry Officer—Mr. V. Ramamurthy
EX. M3	12.03.2009	Comments of Mrs. Jaya on the findings of the Enquiry Officer
EX. M4	09.06.2009	Second Show Cause Notice issued to Mrs. Jaya proposing punishment and offering personal hearing on 16.06.2009
EX. M5	15.06.2009	Letter from M. Jaya requesting 15 days time to submit her reply to the Second Show Cause Notice dated 09.06.2009
EX. M6	16.06.2009	Proceedings of personal hearing
EX. M7	23.06.2009	Reply from Mrs. M. Jaya for the Second Show Cause Notice dated 09.06.2009 proposing punishment
EX. M8	02.07.2009	Order of the Disciplinary Authority in respect of each of the Charge No. 1, 2 and 3— "Censure" for 1 and 3 and "Reduction to Lower Stage in the Scale of Pay by one Stage for Charge 2"
EX. M9	12.08.2009	Appeal by M. Jaya against the punishment awarded to her by the Disciplinary Authority
EX. M10	28.02.2011	Counter Statement of the Indian Bank filed before ALC (C), Chennai

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 865.—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसिस बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ सं. 82/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं. एल-12011/49/2013-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 865.—** In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank and their workmen, received by the Central Government on 22/04/2015.

[No. L-12011/49/2013-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI**

**Friday, the 27th February, 2015**

**Present:** K.P. Prasanna Kumari,  
Presiding Officer

**Industrial Dispute No. 82/2013**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Overseas Bank and their workman)

**Between**

The General Secretary : 1st Party/Petitioner  
All India Indian Overseas Bank  
OBC Staff Welfare Association  
No. 6, West Avenue Road,  
Kodambakkam  
Chennai-600024

**AND**

The Chairman and Managing : 2nd Party/  
Director Respondent  
Indian Overseas Bank  
Corporate Office, Anna Salai  
Chennai-600002



**Appearance:**

For the 1st Party/Petitioner ; M/s Ayodhya Legal LLP  
 For the 2nd Party/Respondent ; M/s T.S. Gopalan & Co., Advocate

**AWARD**

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12011/49/2013-IR(B.II) dated 08.08.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Indian Overseas Bank in inclusion of clause 3(g) in the Settlement and outsourcing the sweepers work against the permanent/perennial nature of work is justified or not? What relief the workmen are entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 82/2013 and issued notices to both sides. Both sides have entered appearance through their counsel and have filed their claim and counter statement respectively.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner is the General Secretary of All Indian Overseas Bank OBC Staff Welfare Association. The Respondent, the Indian Overseas Bank arrived at a settlement under Section-12(3) of the Industrial Disputes Act on 17.02.2011 with its workmen represented by the petitioner in the matter of absorption of Casual/Temporary Messengers and Sweepers engaged by the Respondent. As per Clause-3(g) of the Settlement the parties have agreed that vacancy for Sweepers either part-time or full time arising on or after 15.11.2010 will be outsourced. This clause in the settlement is against the interest of the OBC, SC and ST employees of the Bank. The interest of those belonging to OBC, SC and ST sections will be affected by the clause. More than 90% of the persons recruited for the post of Sweepers before the settlement belong to the communities coming under OBC, SC and ST. Prior to the settlement, the Sweepers were eligible for scale promotions. Since the vacancies are outsourced Sweepers who joined the Bank after 15.11.2010 on contract basis will have to remain as Sweepers for ever without any promotion. Thus outsourcing the post of Sweepers

eliminates the opportunity to grow within the Bank. The Sweepers who work on outsourcing basis will not be entitled to any benefits like leave concession, gratuity, provident fund, loan facility or medical benefits. So outsourcing the Sweeper post will hinder the economic upliftment of employees who joined as Sweepers. An order may be passed directing the Respondent to delete Clause-3(g) from the settlement dated 17.02.2011.

4. The Respondent has filed Counter Statement contending as follows:

The settlement mentioned in the order of reference was reached under Section-12(3) of the ID Act between the Respondent Bank and its recognized union. Since the settlement is binding on all the workmen, it is not permissible for any of the workmen or the registered trade union to raise the dispute questioning the terms of the settlement. So the reference itself is bad in law. The petitioner is not a Trade Union registered under the Trade Union Act so it is not competent to raise an Industrial Dispute. The All India Indian Overseas Bank Employees Union which is a recognized union insisted that the temporary messengers and Sweepers of the Bank should be regularized. The issue was taken to the Board of Directors and the Board sanctioned absorption of 438 messengers and 530 Sweepers by a meeting held on 15.11.2010. The vacancies arising after 15.11.2010 were not filled up. In this context on 17.02.2011 a settlement was concluded under Section-12(3) of ID Act. By Clause-3(g) of the settlement, the parties agreed that any vacancy either part-time or full-time arising on or after 15.11.2010 for Sweepers in the Bank shall be outsourced. The demand of the petitioner is that the persons belonging to OBC, SC and ST group would be deprived of the opportunity of getting employment. This is without any justification. An Industrial Dispute can be raised only on behalf of the workmen employed in the Industry. Since all the workmen are bound by the settlement they are precluded from making a demand inconsistent with the settlement. A Industrial Dispute cannot be raised on behalf of un-identified group of persons or of any group in the country. The dispute is not maintainable. The petitioner is not entitled to any relief.

5. The evidence in the case consists of oral evidence of WW1 and documents marked as Ext. W1 and Ext. W12 and Ext. M1 to Ext. M4.

6. The point for consideration is:

"Whether the demand of the petitioner to delete the Clause-3(g) from the settlement dated 17.02.2011 is justified?"

### The Point

7. The Petitioner is an Association for the welfare of staff of OBC category in the Respondent Bank. The Respondent Bank and the recognized union of the Bank had entered into a settlement on 17.02.2011. As per Clause-3(g) of the settlement the parties to the settlement have agreed that vacancies of Sweepers either part-time or full-time arising on or after 15.11.2010 shall be outsourced. The petitioner has raised the dispute demanding that this particular clause in the settlement should be deleted. According to the petitioner this clause is against the interest of the job seekers belonging to SC, ST and OBC communities. The petitioner has stated that almost 90% of the persons who are working as Sweepers in the Respondent Bank are members of SC, ST or OBC communities. The reasoning of the petitioner is that while those Sweepers who are having permanent status in the Bank are enjoying all the facilities like chance of promotion, leave concession and other such benefits, the persons who will be taken as Sweepers on contract basis will not be having any such opportunity or facilities and will remain as Sweepers all along. It is on such reasoning the petitioner is seeking to delete the particular clause in the settlement.

8. In the Counter Statement the Respondent has inter-alia contended that the petitioner is not entitled to raise an Industrial Dispute, it being only an Association and not a registered Trade Union. The counsel for the Respondent has referred to a decision of Bombay High Court in *NATIONAL ORGANIZATION OF BANK WORKERS FEDERATION OF TRADE UNIONS VS. UNION OF INDIA AND OTHERS* reported in 1993 2LLJ 537 in support of this contention. In the above case it was held that a body which is not a registered body under the Trade Unions Act is not entitled to raise an Industrial Dispute and for the same reason is not competent to file a Writ Petition in respect of the right of the workmen. Referring to the judgement of the Apex Court in the *ASSOCIATED CEMENT COMPANIES LTD. VS. THEIR WORKMEN* reported in AIR 1960 SC 777 the counsel for the petitioner has pointed out that an Industrial Dispute can be raised by a group of workers or a Union or majority of workers concerned or even a minority group of workmen.

Admittedly, the petitioner is only an Association and not a registered Trade Union. However, when the decision of the Apex Court in the above case is taken into account, it is apparent that for the purpose of raising dispute a body need not be a registered union. Even a group workers, even a minority group can make a demand and raise a claim. The petitioner is representing the OBC staff of the Respondent Bank. So necessarily it will be representing a considerable group of workmen in the Respondent Bank. So the argument that the dispute itself is not maintainable, the petitioner, not being a registered union could not be accepted.

9. However, on considering the merits of the case of the petitioner is only to be rejected. There is already a settlement entered into between the Respondent and the recognized union of the Respondent. The settlement is binding on all the workmen of the Respondent. The petitioner is not entitled to challenge any clause in the settlement while the settlement is in force.

10. Even otherwise the demand of the petitioner could not be accepted. The claim of the petitioner is not on behalf of all the workmen of the Respondent or on behalf of any particular section of workmen of the Respondent. On the other hand, the claim is on behalf of an imaginary group of persons who will be job seekers as Sweepers in the Respondent Bank for the vacancies that had arisen after 15.11.2010. There is no case for the petitioner that the workmen of the Respondent are in any manner affected by the settlement. It was as agreed by the recognized union on behalf of all the workmen of the Bank that a clause was incorporated in the settlement that the vacancies of Sweepers arising in the Bank after 15.11.2010 will be outsourced. The grievance of the petitioner is that those persons who will start working in the Bank on contract basis as Sweepers will not have the opportunity to grow within the Bank and they will be denied of the facilities that are available to the permanent workers of the Bank. Such a demand of the petitioner cannot be favourably looked upon. The petitioner has no reason to raise dispute on behalf of an unknown, imaginary body of persons. The petitioner is not entitled to any relief.

11. In view of my discussion above the reference is answered against the petitioner.

An award is passed accordingly.

K. P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined:**

For the 1st Party/Petitioner : WW1, Sri A.  
Rajasekaran

For the 2nd Party/Management : None

**Documents Marked: On the petitioner's side**

Ex.No.	Date	Description
Ex. W1	10.04.1989	Bipartite Settlement regarding part-time workmen between IBA and All Unions
Ex. W2	20.01.1995	Settlement between IOB and AIOBEU
Ex. W3	19.09.1988	Government of Tamil Nadu vide notification (GO Ms. No. 2082, Labour and Employment)
Ex. W4	17.02.2011	Memorandum of Settlement dated 17.02.2011 (F.No. 7.03.2011-B3)
Ex. W5	15.10.2012	Letter from AI IOB OBC Staff Welfare Association to Deputy, Chief Labour Commissioner
Ex. W6	26.11.2012	Letter from Deputy Chief Labour Commissioner-Communication No. M. 7/20/2012-13
Ex. W7	11.12.2012	Reply by IOB to Deputy Chief Labour Commissioner
Ex. W8	26.12.2012	Rejoinder
Ex. W9	08.08.2013	Order passed by Central Government
Ex. W10	12.08.2013	AIOBEU Circular No. 10/2013 Dated 12.08.2013
Ex. W11	21.08.2013	AIOBEU Circular No. 11/2013 Dated 21.08.2013
Ex. W12	05.02.2014	IOB Circular on Staff Housing Loan Scheme (Transient Series (File F) Circular No. 138 of 2013-2014)

**On the Management's side**

EX No.	Date	description
Ex. W1	23.03.2011	Circular Ref. No. EST/71/2010-11 to all Branches, Regional Offices and other Offices on Temporary Messengers/Sweepers
Ex. W2	20.05.2013	Conciliation Failure Report by ALC (Central) Chennai
Ex. W3	06.12.2005	RBI Draft Guidelines on outsourcing of financial Services by Banks
Ex. W4	22.02.2006	Circular No. CIR DO/HR/189/2005-06 from SBI, LHO, New Delhi to other Branches/Circles - reg. outsourcing of maintenance services including sweeping/ cleaning etc.

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 866.**— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (109/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.04.2015 को प्राप्त हुआ था।

[सं एल-12011/78/2014-आईआर (बी- II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd April, 2015

**S.O. 866.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 109/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 22.04.2015.

[No. L-12011/78/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM LABOUR COURT,**  
**CHENNAI**

**Friday, the 27th February, 2015**

**PRESENT : K.P. Prasanna Kumari**

Presiding Officer

Industrial Dispute No. 109/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Central Bank of India and their workman)

**BETWEEN**

The General Secretary  
 Central Bank of India Staff Union  
 89, Aziz Mulk 3rd Street, Thousand Lights  
 Chennai-600006

1st Party/Petitioner Union

**AND**

The Assistant General Manager  
 Central Bank of India, Regional Office  
 48, Montieth Road, 1st Floor  
 Chennai-600008

2nd Party/Respondent

**APPEARANCE:**

For the 1st Party/Petitioner Union : Authorized Representative

For the 2nd Party/Respondent : M/s T.S. Gopalan & Co.,  
 Advocates

**AWARDS**

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12011/178/2014-IR (B-II) dated 01.12.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Central Bank of India, Chennai regarding suspension of Sri C. Sekar, Cashier II is justified or not? What relief the workman is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 109/2014 and issued notice to both sides. The petitioner has entered appearance through Authorized Representative and the Respondent through Counsel.

3. The dispute is raised against the suspension of the employee of the Respondent Bank. The Authorized Representative has filed a memo stating that subsequent to the failure report the Respondent has served an order of dismissal on the concerned workman and thereafter a dispute has been raised challenging this dismissal and in view of this the petitioner does not want to proceed with this case which is one challenging suspension. In view of the memo the dispute is only to be closed.

Accordingly, the ID is closed as not pressed. An award is passed accordingly.

K. P. PRASANNA KUMARI, Presiding Officer

**WITNESSES EXAMINED:**

For the 1st Party/Petitioner Union : None

For the 2nd Party/Management : None

**DOCUMENTS MARKED:**

**On the petitioner's side**

Ex.No.	Date	Description
	Nil	

**On the Management's side**

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 867.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैलाडीला आयरन ओर प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (35/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 13.04.2015 को प्राप्त हुआ था।

[सं. एल-29011/76/2001-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 22nd April, 2015

**S.O. 867.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 35/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bailadila Iron Ore Project and their workmen, received by the Central Government on 13/04/2015.

[No. L-29011/76/2001-IR (M)]

JOHAN TOPNO, Under Secy.



**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL CUM LABOUR COURT,**  
**JABALPUR**

**NO. CGIT/LC/R/35/02**

Shri A.S. Thakur,  
 Secretary, BKMS (BMS),  
 Qr. No. 11/120,  
 Akashnagar, Bachel,  
 Dantewara (MP)

...Workman

**VERSUS**

General Manager,  
 Bailadila Iron Ore Project,  
 5, Bachel,  
 Distt. Dantewara (MP)

...Management

**AWARD**

Passed on this 25th day of November, 2014

1. As per letter dated 8-2-2001 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-29011/76/2001-IR (M). The dispute under reference relates to:

“क्या महाप्रबंधक, बैलाडीला आयर्न ओर प्रोजेक्ट निक्षेप क्रमांक 5 बचेली, जिला दन्तेवाड़ा द्वारा श्री के० एस्० ठाकुर सहायक (स्टोर्स) की बिना संचयी प्रभाव से एक वेतन बढ़ोत्तरी 3 साल के लिए दिनांक 01.01.99 से यूनियन की गतिविधियों में भाग लेने के फलस्वरूप व उपयुक्त सिविल न्यायालय द्वारा दोषमुक्त होने के बावजूद भी रोक देना न्यायोचित है? यदि नहीं तो श्री के० एस्० ठाकुर किस अनुतोष के हकदार हैं?”

2. After receiving reference notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/11. Case of workman is that in 1997, he was working as Assistant (Stores). He was elected as President of BKMS Union. Being President of Union, he was raising demands to the management. That Deposit No. V of Bailadila Iron Ore Project is situated at Akash Nagar. There was one Central School at Akash Nagar run by Kendriya Vidyalaya Sangathan. Shri Nitesh Thakur S/o workman was studying in 10th standard. Children of the employees were also studying in same school. IInd party decided to close said school and negotiated with DAV School Management for opening school. It was protested by the employees and students. Silent procession was organized in protest of action of management. Manager got annoyed. Workman was suspended on 29-3-97. He was served with chargesheet under Clause 30(2) of standing orders alleging that on 25-3-97 by leading a procession of about 20-22 persons was marching towards residential quarter of Shri K.G. Gopi, Mazter Shovel Operator Grade I and used unparliamentary language against Mr. Gopi. Workman has also pleaded that enquiry was not properly conducted. He asked documents

in Hindi. Three witnesses of management had not supported the charge against workman. 3 witness examined in defence supported that workman had not committed act of throwing stones or alleges. Workman submits that there was no evidence to prove the charge. The findings of Enquiry Officer are perverse. Without considering the findings of Enquiry Officer, the punishment of with-holding one increment of workman was imposed, said punishment is illegal. It is further submitted that Ist party was prosecuted in criminal case. He was acquitted on 1-1-99. On such ground, workman prays for setting aside punishment of with-holding increment.

3. IInd party filed Written Statement at Page 4/1 to 4/12 opposing claim of the workman. Case of IInd party is workman was issued chargesheet on 5-3-91. Allegations were obstructing officers at administrative office building shouting slogans against management. Workman was also issued warning on 14-7-98. It is also alleged that workman had participated in procession on 25-3-97 protesting closure of K.V. Derogative slogans were given. He had also participated in stone throwing in house of Shri Gopi. Incident was reported to police. Workman was suspended as per order dated 29-3-97. Chargesheet was issued to workman under clause 28(2)(vii), 28(2)(x), 28(2)(xii) and 28(2)(xxv) of standing orders. Shri Laxminarayan Sr. Manager was appointed as Enquiry Officer, Shri Siddiqui Dy. Manager as presenting Officer. Enquiry was conducted against workman as per rules given proper opportunity. The enquiry was conducted on 9-6-97, 13-6-97, 17-6-97, 7-9-97 & 9-9-97. It is reiterated that enquiry was conducted following principles of natural justice. Enquiry Officer submitted report that charges alleged against workman are of serious warranting dismissal from service. However, leniency was shown to him and lesser punishment was imposed. IInd party denies that findings of Enquiry Officer are perverse and punishment of withholding one increment for period of 3 years is imposed against workman is illegal. On such contentions, IInd party prays to answer reference in its favour.

4. Workman filed rejoinder at page 5/1 to 5/3 reiterating his contentions in statement of claim. That the enquiry conducted against him is illegal. Punishment imposed against him is arbitrary.

5. As per order dated 15.12.2012, the enquiry conducted against workman is found proper and legal.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- |  |                |
|--|----------------|
| (i) Whether the charges alleged against workman are proved from evidence in Enquiry Proceedings? | In Affirmative |
|--|----------------|

- |  |  |
|--|--|
| (ii) Whether punishment of withholding one increment with cumulative effect for 3 years is proper and legal? | In Affirmative                         |
| (iii) If so, to what relief the workman is entitled to?"   | Workman is not entitled to any relief. |

### REASONS

7. As stated above, enquiry conducted against workman is found legal and proper. Workman has produced documents Exhibit W-1 to W-34. As per Exhibit W-3, Central School at Akash Nagar was to be closed. Exhibit W-5 is memorandum issued to workman mentioning articles of charges that the workman lead procession of 20-25 persons marched towards residential quarters of Shri Gopi, Shovel Operator Grade I and used unparliamentary language against him. He participated, helped, abetted and instigated others to use derogatory words against Shri K.G. Gopi and also indulged in stone pelting on the quarter of Shri K.G. Gopi as a result the window glasses and roof sheets of the house were broken. Exhibit W-6, 7 are memorandum of articles of charges. In view of enquiry conducted against workman is found proper and legal, question arise whether charges alleged against workman are proved or not from evidence or charges against workman are perverse.

8. IInd party produced documents Exhibit M-1 to M-3. Management's witness Mohd. Bazir in his statement before Enquiry Officer says he was present on day of incident 25-3-97. He further says that Shri K.S. Thakur participated in slogan shouting. Slogans were shouted by crowds and he could not specifically say that who were the persons raising the slogans and responding to the slogans. Shri K. S. Thakur was snatching stones from the hands of the processionists who were pelting stones. Management's witness Shri P.P. Yadav in his evidence says that he saw Shri K.S. Thakur in front of procession. He saw him shouting slogans. When specific question was asked to him whether Shri K.S. Thakur thrown stone, said witness said he was inside house of Shri Gopi and could not see him throwing stones. Witness No. 3 Basant Dharge in his evidence says that he was present in procession. That K.S. Thakur and Nazmi were leading procession, shouting slogan, assaulting Shri K.G. Gopi and used derogative language against Shri Gopi. He saw Thakur inside compound of Shri Gopi. In his further statement, he says he saw him holding stones in his hand and walking out of the compound of Shri Gopi. So far as evidence of defence witness Shri R.K. Argaria, K. Ramdas, Bansal Singh supporting workman that he had not given slogans or instigated other processionist. It cannot be a ground to disbelieve evidence of management's witness No. 3 discussed above. The evidence discussed above is sufficient to prove charges against workman therefore I record my finding in Point No.1 in Affirmative.

9. Point No. 2—Punishment of with holding one increment with 3 years cumulative effect in imposed. Considering the nature of incident giving slogans in the procession and pelting stones by processionist lead by workmen in certainly serious misconduct. Punishment cannot be said shockingly disproportionate. No inference is called for. Therefore I record my finding in Point No. 2 in Affirmative.

10. In the result, award is passed as under:—

- (1) The action of the management in with holding one increment for 3 years without cumulative effect *w.e.f* 2.1.99 is legal and proper.
- (2) It party workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 868.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाइफ इन्शोरेन्स कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 05/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/4/2015 को प्राप्त हुआ था।

[सं. एल-17011/6/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 22nd April, 2015

**S.O. 868.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D.No 05/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure, in the industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 13-4-2015.

[No.L-17011/6/2011-IR(M)]

JOHAN TOPNO, Under Secy.

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

### REFERENCE NO. 05 of 2012

**PARTIES:** Employers in relation to the management of  
LIC of India

**AND**

their Workmen

**PRESENT :** Justice Dipak Saha Ray,  
Presiding Officer

New Delhi, the 22nd April, 2015

**APPEARANCE:**

On behalf of the :  
Management

On behalf of the : None.  
Workment

State : West Bengal. Industry : Insurance.

Dated: 7th April, 2015

**AWARD**

By Order No. L-17011/6/2011-IR(M) dated 20.03.2012 the Government of India, Ministry of Labour in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Life Insurance Corporation of India, K.M.D.O-I, Jeevan Prakash, Kolkata, in not granting C.L., P.L., holidays and national holidays from 16.1.2001 and also not paying the full back wages for the period from 6.11.1997 to 15.1.2001 to Shri Dilip Yadav, is legal and justified? what relief the workman is entitled to?"

2. When the case is taken up for hearing today, none appears on behalf of either of the parties. Records of this case show that the Union at whose instance the present reference has been initiated, is absent since 16.10.2014 inspite of service of notice.

3. Considering the above facts and circumstances it may be presumed that the union is not all interested to proceed with this case. So, no fruitful purpose will be served by keeping the matter pending further.

4. In such view of the matter, present reference is disposed of by passing a "No Dispute Award."

Justice DIPAK SAHA RAY, Presiding Officer  
Kolkata,

The 7th April, 2015.

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 869.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, मुंबई के पंचाट (संदर्भ सं. 1/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/4/2015 को प्राप्त हुआ था।

[सं एल-15025/2/2014-आईआर (एम)]

जोहन तोपनो, अवर सचिव

**S.O. 869.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D.No 1/2015) of the Central Government Industrial Tribunal/Labour Court 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 13/4/2015.

[No.L-15025/2/2014-IR(M)]

JOHAN TOPNO, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, MUMBAI**

**PRESENT :**

K. B. KATAKA,

Presiding Officer

APPLN. (REFERENCE) NO. CGIT-2/1 OF 2015

**EMPLOYERS IN RELATION OF THE MANAGEMENT  
OF MUMBAI PORT TRUST**

The Chairman

Mumbai Port Trust

Port Bhavan

Shoorji Vallabhdas Marg

Mumbai -200 037.

**AND**

Their Workmen

Shri Dasharath Mahadeo Rahate

24/466, Tejas Nagar

Renolds Road

Wadala (E)

Mumbai -400 037.

**APPEARANCES :**

For the Employer : Mr. Umesh Nabar, Advocate.

For the Workman : In person

Mumbai, dated the 23rd March, 2015

**AWARD**

1. This reference was filed directly by the workman on 13/02/2013 under Section 2-A(2) of the Industrial Disputes Act, 1947 in view of the amendment in the Act from 15/09/2010. Workman also filed a copy of the letter dt. 22/01/2013 received from the Ministry intimating the parties that the dispute cannot be considered for adjudication as it has been raised after about 10 years. Notice was sent to workman for his say on the point of maintainability. Matter was adjourned on number of occasions. Since workman did not file his say, on 13/01/2015 orders were passed on

the application. As per the said orders, notice was issued to the parties. Matter was fixed for hearing in respect of tenability of the reference. Today workman remained present but did not file any say on tenability of the Reference. As workman failed to file his 'Say' as to why it filed after 10 years and he did not even assign the reasons for the delay and laches.

2. The Reference is filed at a belated stage without explaining the reasons for delay. For the same reason of delay, Government had refused to make reference. The said order was of Government was not challenged by the workman and filed this reference directly at a belated stage after 10 years. Thus the same is not maintainable.

### ORDER

Reference stands rejected as not tenable with no order as to cost.

Date: 23.03.2015

K.B. KATAKE, Presiding Officer

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 870.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेट लाइफ इंडिया इन्शुरेन्स कंपनी लिमिटेड के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच अनबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 36/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 13/4/2015 को प्राप्त हुआ था।

[सं० एल-17012/46/2013-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 22nd April, 2015

**S.O. 870.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. I.D. No. 36/2014) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Met Life India Insurance Company Limited and their workman, which was received by the Central Government on 13/4/2015.

[No. L-17012/46/2013-IR(M)]

JOHAN TOPNO, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 31st March, 2015

**PRESENT:** K.P. PRASANNA KUMARI,  
Presiding Officer

### INDUSTRIAL DISPUTE No. 36/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Met Life India Insurance Co. Ltd. and their workman)

### BETWEEN

Sri R. S. Belin : 1st Party/Petitioner

### AND

1. The Manager : 2nd Party/  
M/s Met Life India 1st Respondent  
Insurance Co. Ltd.  
Zion J.R.S. Centre,  
2nd Floor,  
Trivandrum Main Road,  
Opp. MRF Tyres,  
Marthandam,  
Kanyakumari-629165
2. The Manager-IR : 2nd Party/  
M/s Met Life India 2nd Respondent  
Insurance Co. Ltd.  
Brigade Sesha Mahal,  
No. 5, Vani Vilas Road,  
Basavangudi,  
Bangalore-560004
3. The Associate Director : 2nd Party/  
M/s Met Life India 3rd Respondent  
Insurance Co. Ltd.  
Orchid Centre, 5th Floor,  
DLF Golf Course Road,  
Sector-53, Gurgaon-122002.

### APPEARANCE:

For the 1st Party/Petitioner : Ms/ S.  
Arunachalam,  
Advocates

For the 2nd Party/1st Management : Set Ex-parte

For the 2nd Party/2nd Management : Set Ex-parte

For the 2nd party/3rd Management : Set Ex-parte

### AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-17012/46/2013-IR(M) dated 31.03.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of M/s. Met Life India Insurance Co. Ltd. in terminating the services of Sri R.S. Belin w.e.f. 04.07.2012 is justified? If not, to what relief is the workman entitled to?"



2. After the receipt of the Industrial Dispute this Tribunal has numbered it as ID 36/2014 and issued notice to both sides. On receipt of notice the petitioner has appeared through his counsel and filed Claim Statement. The Respondents remained ex-parte.

3. The averments in the claim statement filed by the petitioner in brief are these:

The petitioner has joined the service of the Respondent organization as Sales Manager on 03.11.2010. He was on probation and was confirmed in this post after completion of the period of probation, on 12.10.2011. Though the nomenclature of the petitioner is Sales Manager, he is a workman coming within the definition of Section-2(s) of the Industrial Disputes Act. The job of the petitioner was only of Salesman as target was fixed for him to canvass insurance policies. The petitioner has no subordinates under his control. He has no power or authority to execute any order or to take any decision. The petitioner was performing his duties to the best of his abilities. No proper encouragement was coming from the Management to complete the monthly targets. Since the Management came to know that the petitioner is an active member of the Employees Union he was charged with unnecessary allegations. The petitioner was issued with a warning letter on 27.04.2012 stating that his performance was below the acceptable standards. Though the petitioner sent explanation it was not accepted. The petitioner was terminated from service on 29.06.2013 by giving one month's notice pay. The order of termination is illegal. The petitioner is entitled to be reinstated in the service of the Respondent with full back wages, continuity of service and other attendant benefits.

4. The petitioner has filed affidavit in lieu of his Chief Examination and Ext. W1 to Ext. W10 were marked on his side.

**5. The points for consideration are:**

- (i) Whether the action of the Management in terminating the service of the petitioner is justified?
- (ii) What is the relief to which the petitioner is entitled?

**The Points**

6. The petitioner who was working as Sales Manager in Met Life India Insurance Co. Ltd., the Respondent institution was terminated from service on 29.06.2013. The petitioner has claimed that the termination is illegal and therefore he is entitled to be reinstated in service.

7. Anticipating a contention from the Respondents that he will not come under the category of workman as defined under Section-2(a) of the Industrial Disputes Act, the petitioner has stated in his Claim Statement itself that though his job was having the attractive nomenclature of

Sales Manager he was actually only a workman coming under the definition of Section-2(s) of the ID Act. The petitioner has stated in his Proof Affidavit that his job was only to canvass the insurance policies, that he was not exercising control over any subordinate officials and he had no power to take any decisions or execute any orders also and in spite of his attractive nomenclature he was only a workman. Even in the appointment order marked as Ext. W2 there is no reference to the post of Sales Manager being managerial or supervisory in nature. The respondents have not come forward to contradict this case of the petitioner also. So the claim of the petitioner that he was only a workman in the insurance company is to be accepted.

8. The petitioner was terminated from the service of the Respondent Company by Ex. W7 order dated 29.06.2012 (the date of order of termination is wrongly given as 29.06.2013 in the Claim Statement). It is stated in Ext. W7 that the performance of the petitioner is way below the required standards. Earlier two warning letters were given to the petitioner and these are marked as Ext. W5 and Ext. W6 respectively.

9. The petitioner has stated in his affidavit that there is no valid basis for this termination from service and it was only by way of victimization he was turned out, he being a union activist. The Respondents have not come forward to deny this case put forth by the petitioner. So the case of petitioner in this respect is to be accepted. He is entitled to be reinstated in service. Back wages payable to him is limited to 50%, considering the circumstances.

Accordingly, the Respondents are directed to reinstate the petitioner in service within one month of the award with 50% back wages, continuity of service and other attendant benefits. In default of payment of back wages within the period, the Respondents are liable to pay interest at the rate of 9% per annum from the date of the Claim Statement.

The reference is answered accordingly.

K.P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined:**

For the 1st Party/Petitioner	: None
For the 2nd Party/1st, 2nd & 3rd Management	: None

**Documents Marked:**

**On the petitioner's side**

Ex.No.	Date	Description
Ex.W1	01.11.2010	Offer letter appointing petitioner
Ex.W2	04.11.2010	Appointment order

Ex.W3	07.03.2012	Complaint of petitioner through e-mail to the Head-Human Resources
Ex.W4	07.03.2012	Letter of Head HR through e-mail
Ex.W5	27.04.2012	Performance review letter
Ex.W6	25.06.2012	Second warning letter on performance
Ex.W7	29.06.2012	Termination letter
Ex.W8	17.07.2012	Representation of the petitioner
Ex.W9	8/2012	Petition before the Assistant Labour Commissioner (Conciliation), Madurai
Ex.W10	—	Pay slip of the petitioner for December, 2011.

**On the Management's side :**

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 871.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एयरपोर्ट अथॉरिटी ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, दिल्ली के पंचाट (संदर्भ संख्या 33/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/4/2015 को प्राप्त हुआ था।

[सं एल-11011/3/2008-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 22nd April, 2015

**S.O. 871.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. I.D. No. 33/2008) of the Central Government Industrial Tribunal/Labour Court 2, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 13/4/2015.

[No. L-11011/3/2008-IR(M)]

JOHAN TOPNO, Under Secy.

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT-II,  
KARKARDOOMA COURT COMPLEX, DELHI**

**Present:** Shri Harbansh Kumar Saxena

**ID No. 33/2008**

The Vice President,  
AAI, Mazdoor, Sangh, Flat No. 166,  
DDA-SFS Flats, Sector-1,  
Dwarka,  
New Delhi-110075

**VERSUS**

Airport Authority of India, Rajiv Gandhi Bhavan,  
Safdarjung Airport,  
New Delhi-110003.

**AWARD**

The Central Government in the Ministry of Labour *vide* notification No. L-11011/3/2008 IR(M) dated 13.06.2008 referred the following Industrial Dispute to this tribunal for the adjudication:

"Whether the demand of the Airport Authority of India Mazdoor Sangh regarding retaining of its Vice President Sh. Anoop Kumar Gupta at Delhi, after his promotion to the Grade of Manager of Manager (Tech) and transfer to CGO (COM) *vide* Airport Authority of India letter dated 29.6.2007, is just and legal? If so, what relief Sh. Anoop Kumar Gupta is entitled to and from which date?"

On 23.06.2008 reference was received in this tribunal. Which was register as I.D. No. 33/2008 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 8.9.2008. On the basis of grounds mentioned in claim Statement Claimant/Workman prayed as follows:—

1. Sir, the transfer is thus illegal and malafide hence liable to be quashed.

2. Sir, the transfer is thus illegal and malafied hence liable to be quashed.

3. Sir, the period of my posting at CHQ (Com), Rajiv Gandhi Bhavan, may please be ordered to be treated as the period of posting at a tenure station for same duration and treating it as completion of my next term of transfer to tenure station.

4. Sir, it is requested that suitable orders may please be passed, so as to treat 31st July of the year in which my normal term at tenure station get completed as the date of



relieving from tenure station for the purpose of deciding my seniority for transfer to tenure station after that.

5. Sir, penalty may please be imposed of the management in accordance with the provisions of the Industrial Disputes Act, 1947 for violation of the provision of Section 33 of the ID. Act.

6. Sir, in view of the above, it is also prayed that the Hon'ble Industrial Tribunal may pass such additional order or orders and costs thereon as it may deem fit and proper.

The Hon'ble Industrial Tribunal may pass such additional order or orders and costs thereon as it may deem fit and proper.

Against aforesaid claim statement management filed Written Statement on 20.04.2009.

On the basis of grounds mentioned in Written Statement management prayed that claim may kindly be dismissed with heavy costs.

Workman in reply to Written Statement filed Rejoinder on 17.07.2009 and respectfully prayed that this Hon'ble Tribunal-cum-Labour Court may graciously be pleased to:—

- (a) Pass an appropriate order or direction with costs quashing the authorization of a Legal Practitioner Sh. Digvijay Rai, Advocate, Delhi High Court, by the respondent in violation of Sub-Section (4) of Section 36 of the Industrial Disputes Act 1947, as petitioner has never granted consent for authorization of legal practitioner to appear on behalf of respondent as per provisions of Section 36(4) of I.D. Act 1947.
- (b) Pass an appropriate order or direction, for the respondent to authorize an officer in accordance with the statutory provisions of sub-section (2) of Section 36 of the Industrial Disputes Act, 1947 as its Authorized Representative in the above mentioned matter.
- (c) Pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

On 16.04.2013 My Ld. Predecessor passed order on order sheet to proceed on the basis of schedule of reference wherein questions of determination are mentioned as follows:—

"Whether the demand of the Airport Authority of India Mazdoor Sangh regarding retaining of its Vice President Sh. Anoop Kumar Gupta at Delhi, after his promotion to the Grade of Manager of Manager (Tech) and transfer to CGO (COM) *vide* Airport Authority of India letter dated 29.6.2007, is just and legal? If so, what relief Sh. Anoop Kumar Gupta is entitled to and from which date?"

Case was fixed for workman evidence on 23.08.2013. In spite of several opportunities workman adduced no evidence as workman was adopting dormancy. Management was called upon to adduce its evidence. Management in support of its case filed affidavit of management witness on 1.7.2014.

On 19.9.2014 management tendered affidavit of MW1. Thereafter, management closed its evidence and 27.11.2014 fixed for Ex-parte arguments of management. On 27.11.2014 Ld. A/R for the management expressed his desire to file synopsis in the shape of written arguments. He is permitted to file synopsis before 8.1.2015 and 8.1.2015 was fixed for Award.

Meanwhile Ld. A/R for the management filed synopsis in the shape of Written Arguments on 2.1.2015. Wherein it mentioned is as follows:—

1. The present Claim Petition has been filed by the Airports Authority of India Mazdoor Sangh through Shri Anoop Kumar Gupta, being the Vice President of the said Sangh, which is a registered Trade Union, under the Trade Unions Act, 1926.
2. The claim of the Claimant in the instant ID is that Shri Anoop Kumar Gupta had raised an Industrial Dispute before the Conciliation Officer (RLC-Centre), New Delhi on his complaint under Section 33 A of the Industrial Disputes Act, 1947 regarding change in condition of service by transferring him mala fide and illegally during the pendency of Industrial Dispute without obtaining prior permission in writing by the Conciliation Officer.
3. It is further averred in the Claim Petition that the Management filed its reply before the Conciliation Officer but thereafter did not appear on five consecutive dates and hence the proceedings resulted in failure of conciliation ex-parte on 13.11.2007.
4. That thereafter the dispute has been referred for adjudication *vide* letter dated 13.06.2008 by the Ministry of Labour to this Hon'ble Tribunal for adjudication and the reference is as follows:

"Whether the demand of the Airports Authority of India Mazdoor Sangh regarding retaining of the Vice President Shri Anoop Kumar Gupta at Delhi, after the promotion to the Grade of Manager (Tech) and transfer to CHQ (COM) *vide* Airports Authority of India's letter dated 29.06.2007, is just and legal? If so, what relief Shri Anoop Kumar Gupta is entitled to and from what date?

5. That the Claim of Sh. Anoop Kumar Gupta further is that *vide* transfer dated 26.09.2007, he has been transferred from Palam Airport to Corporate Head

Quarters (COM) at Rajiv Gandhi Bhawan, New Delhi and hence his place of work has been changed from one station to other during the pendency of the conciliation proceedings. His claim was further that all other employees in his Grade and presently posted at Delhi have been retained at Delhi on promotion.

6. That in these circumstances, it has been prayed that his Hon'ble Tribunal may quash the transfer of Shri Anoop Kumar Gupta as the same is illegal and malafide. It has been further prayed that the period of his posting at CHQ (COM), Rajiv Gandhi Bhawan, may please be treated as the period of posting at a tenure station for same duration and treating it as completion of his next term of transfer to tenure station and further that suitable orders may be passed so as to treat 31st July of the year in which his normal term at tenure station gets completed as the date of relieving from tenure station for the purpose of deciding his seniority for transfer to tenure station after that and further to impose penalty upon the Management.
7. The Management *i.e.* Airports Authority of India prayed for dismissal of the instant claim petition. The stand of the Management was that Shri Anoop Kumar Gupta is not a protected workman and further that it has not violated any provisions of Section 33 of the ID Act, 1947. It was the stand of the Management that Shri Anoop Kumar Gupta is not working under the capacity of workman as he is holding the post of an Executive *i.e.* Manager (Tech.) which is categorized as Group A post in the nature of managerial capacity and has All India Transfer Liabilities. It has further been denied by the Management that Shri Anoop Kumar Gupta was transferred from Palam Airport to CHQ (COM), which is a tenure station. It is further the case of the Management that Shri Anoop Kumar Gupta has not been transferred but only directed to perform work from one place to another place within Delhi and that the transfer in AAI to a tenure and non-tenure station are done on the basis of transfer policy and that Delhi/CHQ does not come into the category of tenure station as per transfer policy dated 25.11.2009. It has been further submitted by the Airports Authority of India that the service conditions of employees are governed as per AAI (General Service Conditions & Remuneration) Act, 2003. It has categorically been stated by the AAI that it appeared before the RLC on all dates as per the directions of the RLC and there is no question of violation of Section 33 of the ID Act, 1947 as neither Shri Anoop Kumar Gupta was transferred nor was he a workman.

8. That Shri Anoop Kumar Gupta filed his rejoinder raising objections that the Counsel appearing on behalf of the AAI cannot be allowed to appear which objection was declined by this Hon'ble Tribunal. Further the contents of the reply filed by the Management was denied by Shri Anoop Kumar Gupta.

9. That thereafter, Shri Anoop Kumar Gupta or any representative on behalf of Shri Anoop Kumar Gupta did not appear in the instant ID. It is further submitted that Shri Anoop Kumar Gupta is presently working as Assistant General Manager (CNS) with the Management and it appears he has lost interest as the instant claim petition has become infructuous.

In these facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the instant Claim Petition on merits *i.e.* on the basis of averments and documents of the AAI and also for non-prosecution of the instant ID.

I perused the pleadings and evidence of the parties on record. Which makes it crystal clear that workman in support of his case adduce no evidence. So his pleading in want of his evidence is not sufficient to grant him relief as claimed by him in his claim statement.

Moreover, management in support of its case adduced evidence. Which is unrebutted and this tribunal has no option except to place reliance on the management evidence based upon its pleadings.

In these circumstances I am of considered view that workman is not entitled to no relief in want of his evidence.

Hence, his claim statement is liable to be dismissed and reference is liable to be decided against workman and in favour of management.

Which is accordingly decided and claim statement is accordingly dismissed. Award is accordingly passed.

Dated:-08.01.2015

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 22 अप्रैल, 2015

**का.आ. 872.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एयरपोर्ट अथॉरिटी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 2, दिल्ली के पंचाट (संदर्भ संख्या 34/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 13/4/2015 को प्राप्त हुआ था।

[सं. एल-11011/2/2008-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 22nd April, 2015

**S.O. 872.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. I.D. No. 34/2008) of the Central Government Industrial Tribunal/Labour Court 2, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 13/04.2015.

[No. L-11011/2/2008-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, KARKARDOOMA COURT COMPLEX DELHI

**PRESENT:** Shri Harbansh Kumar Saxena

**ID No. 34/2008**

The Vice President,  
AAI, Mazdoor Sangh, Flat No. 166  
DDA-SFS Flats, Sector-1,  
Dwarka, New Delhi-110075

#### VERSUS

Airport Authority of India, Rajiv Gandhi Bhavan,  
Safdarjung Airport,  
New Delhi-110003.

#### AWARD

The Central Government in the Ministry of Labour *vide* notification No. L-11011/2/2008-IR(M) dated 13.06.2008 referred the following Industrial Dispute to this tribunal for the adjudication:—

"Whether the executives upto the grade of Senior Manager/Asstt. General Manager come within the purview of the definition as workman as defined under Section 2(S) of I.D. Act, 1947?" 2. "Whether the working hours and weekly off for the executives and non-executives performing round the clock shift duties in communication (Technical/Electronics/Operations) and Aerodrome (ATM) discipline should be the same as are being performed by the executives and non-executives performing General Duties in all other disciplines of Airports Authority of India (National Airports Division). If so, what relief the workmen performing round the clock shift duties are entitled to and from which date?"

On 23.06.2008 reference was received in this tribunal. Which was registered as I.D. No. 34/08 and claimants were called upon to file claim statement within fifteen days from

date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workmen/claimants filed claim statement on 8.9.2008. Through claim statement workmen claimed as follows:—

Sir, the Sangh sought the status of "Workmen" for the executives up to the grade of Senior Manager/Assistant General Manager and equivalent either performing round the clock shift duties or performing General duty, *i.e.* not performing round the clock shift duties in Airports Authority of India (National Airports Division) under serial No. 12 of our letter dated 08/11th February, 2007. Therefore in view of the above reply of the management, it may be concluded that the management of Airports Authority of India has agreed to our claim to the extent that the executives below the grade of Senior Manager/Assistant General Manager and equivalent of Airports Authority of India (National Airports Division) are "Workmen" within the meaning and scope of Section 2 (S) of the Industrial Disputes Act, 1947.

It is, therefore requested that necessary action may please be initiated to declare the executives below the grade of Senior Manager/Assistant General Manager and equivalent of Airports Authority of India (National Airport Division) as "Workmen" within the meaning and scope of Section 2(S) of the Industrial Disputes Act, 1947.

Against aforesaid claim statement management filed Written Statement on 20.04.2009.

On the basis of grounds mentioned in Written Statement management prayed that claim may kindly be dismissed with heavy costs.

Workmen in reply to Written Statement filed Rejoinder on 17.07.2009 and respectfully prayed that the claim as per the statement of claim may kindly be granted at the earlier to put an end to the existing and established practice of discrimination between employees who are performing round the clock shift duties and who not performing round the clock shift duties.

On 16.04.2013 My Ld. Predecessor passed order on order sheet to proceed on the basis of schedule of reference wherein questions of determination are mentioned as follows:—

"Whether the executives upto the grade of Senior Manager/Asstt. General Manager come within the purview of the definition as workman as defined under Section 2(S) of I.D. Act, 1947?" 2. "Whether the working hours and weekly off for the executives and non-executives performing round the clock shift duties in communication (Technical/Electronics/Operations) and Aerodrome (ATM) discipline should be the same as are being performed by the executives and non-executives performing General Duties in all

other disciplines of Airports Authority of India (National Airports Division). If so, what relief the workmen performing round the clock shift duties are entitled and from which date?"

Case was fixed for workmen evidence on and 23.08.2013. In spite of several opportunities workmen adduced no evidence as workmen was adopting dormancy. Management was called upon to adduce its evidence. Management in support of its case filed affidavit of management witness on 1.7.2014.

On 19.09.2014 management tendered affidavit of MW1. Thereafter, management closed its evidence and 27.11.2014 fixed for Ex-parte arguments of management. On 27.11.2014 Ld. A/R for the management expressed his desire to file synopsis in the shape of written arguments. He is permitted to file synopsis before 8.1.2015 and 8.1.2015 was fixed for Award.

Meanwhile Ld. A/R for the management filed synopsis in the shape of Written Arguments on 2.1.2015. Wherein it mentioned is as follows:—

**Most Respectfully Sheweth:**

1. The present Claim Petition has been filed by the Airports Authority of India Mazdoor Sangh through Shri Anoop Kumar Gupta, being the Vice President of the said Sangh, which is a registered Trade Union, under the Trade Unions Act, 1926.
2. The claim of the Claimant in the instant I.D is that the Claimant Union had raised an Industrial Dispute before the Conciliation Officer (RLC-Centre), New Delhi for resolving their disputes through conciliation. However, the said conciliation failed and failure of conciliation report was issued by the Conciliation Officer *vide* letter dated 03.03.2008. It is submitted that on the failure of the conciliation proceedings, the Ministry of Labour *vide* its letter dated 13.06.2008 referred the disputes to this Tribunal with the following reference:—

"Whether the executives up to the grade of Senior Manager/Asstt. General Manager come within the purview of the definition as workman as defined under Section 2(S) of I.D. Act, 1947"

3. That the case of the Claimant Union was that Executives upto the grade of Senior Manager/Asstt. General Manager and equivalent of Communication (Technical/Electronics/Operations) and Aerodrome (ATM) Disciplines are neither having any administrative powers nor have to perform managerial duties, and hence are within the purview of workmen as defined in Section 2(S) of the ID Act, 1947 and in view of the letter dated 12.06.2007 issued by the AAI

(Management), it could be inferred that AAI had agreed to the claim to the extent that the Executives below the grade of Senior Manager/Asstt. General Manager and equivalent of AAI (National Airports Division) are workmen within the meaning of Section 2(S) of the ID Act, 1947.

4. In view of this, the Claimant has prayed before this Hon'ble Tribunal that action may please be initiated to declare the Executives below the grade of Senior Manager/Asstt. General Manager and equivalent of AAI (NAD) as workmen with the meaning and scope of Section 2(S) of the ID Act, 1947 and in this view the Executives upto the grade of Senior Manager/Asstt. General Manager and equivalent either performing round the clock shift duties or performing general duties may please be declared as workmen within the meaning of Section 2(S) of the ID Act, 1947.

5. That the second dispute referred by Ministry of Labour *vide* its letter dated 13.06.2008 was:—

"Whether working hours and weekly off for the executives and non-executives performing round the clock shift duties in Communication (Technical/Electronics/Operations) and Aerodrome (ATM) discipline should be the same as are being performed by the executives and non-executives performing General Duties in all other disciplines of Airports Authority of India (National Airports Division). If so, what relief the workmen performing round the clock shift duties are entitled and from which date?"

6. That the Claimant Union submitted that the executives and non-executives performing round the clock shift duties in Communication (Technical/ Electronics/Operations) and Aerodrome (ATM) discipline and had to perform duties on all seven days of the week without any weekly off whereas executives and non-executives performing general duties in all disciplines of AAI have to perform duty on five days only of the week with two days weekly offs on every Saturday and Sunday *i.e.* the Executive and Non-Executives of Communication and Aerodrome had to perform 42 to 48 hours duty in a week whereas similarly placed executive and non-executives in other Departments had to perform 37½ hours of duty per week with two days weekly off.
7. That in view of the above, the Claimant Union sought parity of Executive and Non-Executives of the Communication (Technical/Electronics/Operations) and Aerodrome (ATM) disciplines of AAI (NAD) with those performing general duties in all disciplines of AAI (NAD) and



- compensation at the rate of two days per week in lieu of not granting weekly offs *w.e.f.* the date of the permanent absorption or the date of joining on appointment as the case may be to all Executives and Non-Executives performing round the clock shift duties in Communication (Technical/Electronics/ Operations) and Aerodrome (ATM) disciplines and compensation at the rate of 4 1/2 hours per week in lieu of extra duties taken *w.e.f.* permanent absorption or date of joining on appointment for those who have put in 42 hours of duty per week and further compensation at the rate of 10 1/2 hours per week in lieu of extra duties taken who have put in 48 hours of duty per week.
8. That the AAI filed its reply stating that Sh. Anoop Kumar Gupta who was not a member of the Claimant Union as he was a Manager performing administrative duties and a part of the Management. Moreover, as per the Referendum conducted on 23.02.2002, the Airports Authority Employees Union was the recognized Union with which the Management had entered into a Memorandum of Understanding and hence no policy issue can be discussed with the Claimant Union.
  9. That the AAI further denied that the Executives upto the grade of Senior Manager/Asstt. General Manager and equivalent Executive and Non-Executives of the Communication Technical/Electronics/Operations) and Aerodrome (ATM) disciplines neither have any administrative power nor have to perform any managerial duties. The fact is that all the above mentioned Executives are part of management and number of employees (workmen) function under their control. These Executives supervise the workmen as well as equipment installed at the Airport, which are essential for smooth operation of the Aircraft. Besides, these Executives also draw the salary and perks applicable to Executives as per AAI (General Service Condition & Remuneration) Act, 2003. It was further submitted that in AAI employees are categorized as Executive and Non-Executive and the issue regarding duty hours for Executives for performing round the clock shift is dealt with the Officers Association and for Non Executives the same is discussed with recognized Unions, whereas the Claimant Union is not a recognized Union.
  10. AAI further submitted that all Executives are entitled for compensation for performing extra duties in accordance with the guidelines on the subject *i.e.* Guidelines dated 07.10.2005, 25/28.01.2006 and 17.10.2008. AAI further submitted that since Executives and Non-Executives of ATM/COM Disciplines have different nature of jobs in comparison to employees performing general duties, AAI required round the clock shift duties and for performing extra duties the management compensates them accordingly and that there is no discrimination between Employees who are performing shift and general duties.
  11. That Shri Anoop Kumar Gupta filed his rejoinder raising objections that the Counsel appearing on behalf of the AAI cannot be allowed to appear which objection was declined by this Hon'ble Tribunal. Further the contents of the reply filed by the Management was denied by Shri Anoop Kumar Gupta.
  12. That thereafter, Shri Anoop Kumar Gupta or any representative on behalf of Shri Anoop Kumar Gupta did not appear in the instant ID. It is further submitted that Shri Anoop Kumar Gupta is presently working as Assistant General Manager (CNS) with the Management and it appears he has lost interest as the instant claim petition has become infructuous.
- In these facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the instant complaint on merits *i.e.* on the basis of averments and documents of the AAI and also for non-prosecution of the instant ID.
- I perused the pleadings and evidence of the parties on record. Which makes it crystal clear that workmen in support of their case adduce no evidence. So their pleadings in want of their evidence is not sufficient to grant them relief as claimed by them in claim statement.
- Moreover, management in support of its case adduced evidence. Which is un rebutted and this tribunal has no option except to place reliance on the management evidence based upon its pleadings.
- In these circumstances I am of considered view that workmen are not entitled to no relief in want of their evidence.
- Hence, their claim statement is liable to be dismissed and reference is liable to be decided against workmen and in favour of management.
- Which is accordingly decided and claim statement is accordingly dismissed.
- Award is accordingly passed.
- Dated 08.01.2015
- HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2015

**का.आ. 873.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट संदर्भ संख्या (159/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/04/2015 को प्राप्त हुआ था।

[सं एल-12012/356/2001-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 24th April, 2015

**S.O. 873.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 159/2002) of the Cent.Govt. Indus. Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 24/04/2015.

[No. L-12012/356/2001-IR(B-I)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM-LABOUR COURT, LUCKNOW

#### PRESENT

Rakesh Kumar,  
Presiding Officer

Ref. No. L-12012/356/2001-IR (B-1) dated 17.01.2002

I.D. No. 159/2002

#### BETWEEN

The Dy. General Secretary  
State Bank of India Staff Asson.  
148, Civil Lines  
Bareilly (U.P.) 243001  
(Espousing cause of Sri Bhagwan Dass)

#### AND

The Dy. General Manager  
State Bank of India, Zonal Office  
I.D. No. 159/2002.  
148 Civil Lines  
Bareilly (U.P.) 243001

#### AWARD

1. By order No. L-12012/356/2001-IR(B-I) dated 17.01.2002 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of

the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the Dy. General Secretary, State Bank of India Staff Asson., 148, Civil Lines, Bareilly (U.P.) and the Dy. General Manager, State Bank of India, Zonal Office, 148 Civil Lines, Bareilly (U.P.) for adjudication to this CGIT-cum-Labour Court, Lucknow.

2. The reference under adjudication is:

"Whether the action of the State Bank of India, Bareilly in Denying the Compassionate Appointment to Sri Bhagwan Dass S/o Sri Dori Lal *vide* letter No. 42/109 dated 09.06.1999 is justified? If not, what relief he is entitled?"

3. The State Bank of India Staff Association has filed the claim statement stating therein that the workman Sri Dori Lal, Zamadar expired on 02.03.1999. Deceased's legal heir Smt. Ram Kumari (wife) applied well in time for compassionate ground appointment as per Bank's Staff Welfare Scheme under Chapter 7 of Hand Book on Staff Matters Volume II. She has also given application for his elder son who looks after whole family namely. Association submitted several representations for the appointment of Smt. Ram Kumari's son Sri Bhagwan Dass but nothing was done by the opposite party. Aggrieved from the opposite party Bank's attitude she raised Industrial Dispute before Asstt. Labour Commissioner (C), Dehradun.

4. The applicant has stated that Late Sri Dori Lal was appointed in State Bank of India, and posted as Zamadar in the Bareilly branch of the Bank. Late Sri Dori Lal expired on 02.03.1999. It is stated by the union that Smt. Ram Kumari, wife of Sri Dori Lal, was entitled to get all the terminal benefits as per rules. Smt. Ram Kumari filed application with in time for the appointment to her son Sri Bhagwan Dass forgoing her right. The staff association stated that Smt. Ram Kumari applied for appointment of Sri Bhagwan Dass in lieu of her appointment on compassionate ground. The bank paid all terminal benefits to Smt. Ram Kumari but appointment on compassionate ground to her son was denied on the ground of her financial status. The applicant has further stated that the financial position of the aggrieved family of Late Sri Dori Lal was very weak, the widow and other family members had no source of income, the funds provided by the bank to the widow was spent in clearing the sum borrowed from the creditors, which were earlier left unpaid by the deceased. It has also been stated that due to financial crisis and hardship, it has been very difficult for Smt. Ram Kumari to provide sufficient meal to her children and to look after them properly. Need for appointment of deceased's son on compensate ground has been emphasized. A request has been made for giving appointment to Sri Bhagwan Dass S/o Late Sri Dori Lal from retrospective effect *i.e.* from the date of his death with full wages and other consequential benefits.



5. The opposite party/management has filed written statement denying the allegations levelled by the staff association. The management has asserted that the Sri Bhagwan Dass has never been employed by the State Bank of India. He is not an employee of the Bank. The Bank stated that any dispute or difference between employers and employees or employer and workmen or between workmen and workmen which is connected with the employment or non-employment or the term employment or with the condition of labour or any person can be looked into. The bank further stated that Sh. Bhagwan Dass is not a workman as per definition of Section 2(s) of the Industrial Dispute Act, 1947, as such he is not entitled for any benefit under the provisions of the I.D. Act. The Bank further stated that an illegal dispute was raised by the State Bank of India Staff Association before the Asstt. Labour Commissioner (C), Dehradun.

6. The Bank management further stated that Smt. Ram Kumari was getting pension Rs. 4,049 per month and Sri Bhagwan Das, son of Late Sri Dori Lal is not entitled for compassionate appointment in the bank.

7. The opposite party has emphasized that the provisions of the Industrial Disputes Act, 1947 are neither attracted nor applicable in the present case. Consequently the entire proceedings are misconceived and void and the reference made is also illegal and premature. There does not exist any industrial dispute nor is apprehended as such also reference is bad in eyes of law. The claimant Sri Bhagwan Das has neither signed the claim petition nor verified the same, consequently the pleadings made by him *vide* statement of claim are no pleadings in the eye of law, as such they are liable to be ignored. As per law no statement of claim in furtherance of the reference had been made by the claimant Sri Bhagwan Das. Consequently on this ground itself the proceedings are liable to be dropped.

8. The management in its reply has submitted that Sri Dori Lal was an employee of the opposite party State Bank of India. He had died on 02.03.1999 and at that time he was working with Bareilly Branch of the opposite party bank. After his death, his wife Smt. Ram Kumari had submitted an application for employment for her eldest son Sri Bhagwan Das on compassionate ground on 27.03.1999. The management has further stated that no indigent circumstances existed in the family of deceased which would warrant compassionate appointment of dependent of deceased Sri Dori Lal, the decision of the competent authority was conveyed to Smt. Ram Kumari, widow of Sri Dori Lal *vide* bank's letter dated 23.08.2002, and an unwarranted and illegal dispute has been raised by the State Bank of India Staff Association before Asstt. Labour Commissioner (C), Dehradun under I.D. Act, 1947.

9. It has been pleaded by the management that State Bank of India has a scheme for appointment on compassionate ground for dependants of the deceased

employees/employees retired on medical ground updated up to 01.01.1998 and as per scheme a spouse or any dependant who would undertake in writing in the matter decided by the bank to look after the family of the deceased employee can tender an application for appointment.

10. As far as the terminal benefits of Sri Dori Lal were concerned, the opposite party bank had paid the following terminal benefits to Smt. Ram Kumari detailed as below;

(a) Provident Fund	:	Rs. 1.68 lakhs
(b) Gratuity	:	Rs. 1.41 lakhs
(c) Leave Encashment	:	Rs. 0.12 lakh
(d) Lumpsum relief	:	Rs. 0.10 lakh (under staff mutual welfare scheme)

11. Thus, the bank had effected the payment of Rs. 3,31,000/- to her on different dates.

12. Apart the said amount a monthly pension of Rs. 3,849/- is presently admissible and payable to Smt. Ram Kumari along with a sum of Rs. 200/- per month under the Staff Welfare Scheme — totaling Rs. 4,049/- per month. Apart the said amount Sri Dori Lal had left behind following estates:—

(a) Movable assets valuing	Rs. 25,000/-
(b) House valuing about	Rs. 4,00,000/-
(c) Investment of	Rs. 35,000/- in different deposit schemes.

13. As such from the amount left behind by Sri Dori Lal, his family can have monthly interest of Rs. 3,600/- at a rate of 10% per annum on the terminal benefit amount of Rs. 3,31,000/- plus Rs. 35,000/-. Apart it they have monthly pension of Rs. 4049/- and an owned residential house for their residence. Thus total monthly income of the family *i.e.* Rs. 4,049+Rs. 3600/- cannot be said to be insufficient so as to depict any financial crises in the family.

14. The management has denied that Sri Dori Lal had to pay a sum of Rs. 1,30,000/- to his creditors, it has also been stated that bank had deducted a sum of Rs. 2,44,348/- from the terminal benefits of Sri Dori Lal. The management has placed reliance on the principle laid down by the Hon'ble Supreme Court of India that as a rule appointment in the public services should be made strictly on the basis of open invitation of the applications and on merit, the object of compassionate appointment is to enable the family to tide over the sudden crises and the public authority has to examine the financial conditions of the deceased family.

15. The Staff Association filed rejoinder in which it has reiterated the facts as in claim statement.

16. The Staff Association has examined Bhagwan Das S/o Late Dori Lal; whereas the management has examined

Shri K.N. Chandola, Asstt. General Manager (Operation) in support of their respective claim. The parties availed opportunity to cross-examine the witnesses of each other apart from forwarding oral arguments.

17. Heard learned authorized representatives of the parties and perused evidence available on record in light thereto.

18. The authorized representative of the workman's union has contended that the widow of late Dori Lal who was an employee of the bank had submitted an application for compassionate appointment to her elder son, Bhagwan Das but the management declined the same on the basis of their financial status *vide* their letter dated 09.06.1999. It is further submitted that the bank was again approached though a fresh representation with submission that the terminal benefits paid by the bank had been paid to the creditors and the family is facing financial crises as the only source of income in form of family pension being paid to the widow of deceased employee is insufficient to meet out the needs. It is also stressed upon by the authorised representative that the union passed a resolution to represent the case of the widow of the deceased Dori Lal who was an active member of the union, therefore, the present case is an industrial dispute under section 2 k of the Act.

19. In rebuttal, the authorized representative has contended that the claimant was never employed by the Bank. The claimant, Bhawan Das is not a member of State Bank of India staff Association, as such, the staff association has got no locus standi to raise any industrial dispute. Also, there exist no industrial dispute between the bank and the claimant. The management has contended that the claimant, Bhagwan Dass was denied compassionate appointment after critical examination of facts and law involved in the case. The competent authority found that no indigent circumstances existed in the family which would warrant compassionate appointment to a dependent of the deceased Dori Lal, accordingly the decision of the Competent Authority was conveyed to Smt. Ram Kumari, widow of Dori Lal *vide* bank's letter dated 23.08.2002. It is also contended that deceased Dori Lal owned a house and the total family income came to be Rs. 4040/- + Rs. 3600, which included family pension and interest on terminal benefits paid respectively, which show that there was no financial crisis before the family, therefore the representation of the widow of Dori Lal was rightly rejected by the bank management.

20. I have given my thoughtful consideration to the rival submissions of the learned representatives of the parties who have been heard at length and scanned evidence relied on by the parties in light of their rival submissions.

21. The Bank has come up with the preliminary objection that since the claimant, Bhawan Das is neither an

employee of the Bank nor a member of the Staff Association therefore, there exists no industrial dispute between the Bank and the claimant and also the Association has no locus standi to agitate the present matter.

Admittedly the father of the claimant *viz.* Late Shri Dori Lal was the employee of the Bank and was member of the Staff Association; and on his sudden demise, the Staff Association has moved a resolution to contest the case of the claimant regarding compassionate appointment. The bank while disputing the locus standi of the Association has not disputed the resolution passed to extend legal assistance to the family of its ex-member, therefore, the action initiated by a recognized trade union consequent to a resolution passed by its members cannot be held to be invalid in absence of any material proof. However, the contention of the management that present case does not come within the purview of Industrial disputes u/s 2 'k' of the I.D. Act., 1947 has to be taken up in light of the fact that present industrial dispute by the union to espousing the cause of widow of deceased who was an active member of the union, pursuant to the resolution passed by the union.

The section 2 (k) of the Act defines the term industrial dispute'as under:

*"(k) "industrial dispute" means any dispute of difference between employers and employers, or between employers and workmen, or between workmen and workmen, which connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;"*

A bare perusal of the above definition makes it clear that any dispute or difference between the employers and workmen regarding non-employment is covered with the term industrial dispute. In the present case the dispute exists between the staff association regarding non-employment of the claimant i.e. not giving compassionate appointment to the claimant whose cause is being espoused by the staff association. Therefore, in my opinion the same comes within the purview of industrial dispute'as per the meaning of industrial dispute under the Industrial Disputes Act, 1947.

22. Now coming to the merits of the case, the management has taken plea that the representation of the widow of late Dori Lal was rejected by the competent authority keeping in view sound financial position of the family as the widow of Dori Lal had been paid a handsome amount on account of terminal benefits and was also getting family pension apart from this she had a house to live in. The management has provided the list of pecuniary benefits received by the widow of Dori Lal, on his death, which is summed to Rs.3,31,000/-.

The management witness has stated that apart from above amount a monthly pension of Rs.3849/- along with a

sum of Rs.200/- per month under the Staff Welfare Scheme, totaling Rs.4049/- per month is being paid to widow of Dori Lal. He also added that Dori Lal had movable assets valuing Rs.25,000/-, house valuing above Rs.4,00,000/- and investments of Rs.35,000/-. The management witness has stated that the family of Dori Lal can have interest of Rs.3600/- @ 10% per annum on the amount of terminal benefits plus Rs.35,000/-. As per version of the management witness the family has an own house to dwell in and total monthly income of Rs.4049/- plus Rs.3600/- cannot be said to be insufficient so as to depict any financial crisis to the family. In cross-examination the management witness stated that the family pension after death of the employee, becomes half to the original pension and the widow of Dori Lal is getting Rs.2085/- as family pension presently. The management witness could not state as to whether Dori Lal availed any debt for house or not. He also could not specify and document relating to registry of the house. He stated that as per records, he has knowledge that the family of Dori Lal has good economic position.

23. In rebuttal, the workman's union has come up with the case that the management of the State Bank of India has declined the claim of the claimant on the basis that the family has good financial position and accordingly, there is no need to give compassionate appointment to the son of the deceased, Dori Lal; but in actuality the financial condition of the family is not sound enough to meet the family requirements.

24. Admittedly, Shri Dori Lal who was a member of the workman's union died during service. On his demise, the management of the Bank paid his widow wife the all the terminal benefits amounting to Rs.3,31,000/-. The widow of late Dori Lal applied for compassionate appointment of his elder son which was declined by the Bank on taking the plea that the family of the deceased has sound financial position, therefore, there is no need to give compassionate appointment to any member of the family. From perusal of the pleadings it comes out that the management has denied the request for compassionate appointment taking this fact into account that the widow of late Dori Lal owns a house to live in and was getting pension Rs.4049/- (including sum of Rs.200/- against Staff Welfare Scheme), which has reduced to Rs. 2085/-. Apart from this the management presumed that the family might earn a monthly interest of Rs.3600/- on the retrial benefits. The management also taken into account that the movable and immovable assets of the widow of late Dori Lal. There is no material on record to show as to how the management assessed the value of the house or other assets. The union in its claim has pleaded that the money received on account of terminal benefits were paid to the creditors. Although the union has also not presented any evidence in support of its pleadings; but the existence of debts at the time of death of Dori Lal cannot be ruled out. Likewise there is no document to show as to how the management calculated the value of the movable assets, hence cannot be accepted.

25. No doubt, compassionate appointment cannot be claimed as a matter of right. Ho'n'ble Apex Court in number of its judgement has reiterated this factum; but the Hon'ble Court has never been of the view that the family of the deceased family should live like beggar and live life miserably. As per settled law, the only ground which can justify the compassionate appointment is the penurious conditions of the deceased's family and offering employment irrespective of the financial condition of the family is legally impermissible. In the present case the management has denied the compassionate appointment to the claimant on the basis of its assessment regarding financial condition of the deceased family; but has not filed any cogent documentary evidence regarding such assessment or any reliable report which led the management of the State Bank of India to arrive at the conclusion that the financial condition of the family of the deceased sound enough to decline the compassionate appointment requested by the widow for her son. Moreover, the management has filed its letter dated 19.06.2000; whereby it has communicated the decision of competent authority regarding denial of compassionate appointment to the claimant. The letter dated 19.06.2000 is not speaking one as it is silent over the point as to what led the management to come to the conclusion regarding denial of the compassionate appointment, this makes theory of the management about denial of compassionate appointment due to sound financial position of the family an after thought. Thus, there is no document available on record, for scrutiny of this Tribunal to facilitate to draw a conclusion that the move of the management was just and fair and the conclusion drawn by the management in the absence of documentary evidence seems more hypothetical rather real. On the contrary, the pension received by the widow amounting to Rs.2085/- does not seem sufficient to help her respectful life. Having a house to live does not mean it is always a boon, as one has to bear expenses over its maintenance also from time-to-time.

26. Therefore, in view of facts and circumstances of the case and discussions made hereinabove, I am of considered opinion that the action of the management of State Bank of India in not giving compassionate appointment to Shri Bhagwan Das S/o Shri Dori Lal was unjustified. Accordingly, I come to the conclusion that he is entitled for compassionate appointment; therefore, the management of the State Bank of India is directed to appoint him in the bank's services as per Rules, within eight weeks from the publication of this award.

27. The reference under adjudication is answered accordingly.

28. Award as above.

LUCKNOW : 16th April, 2015

RAKESH KUMAR, Presiding Officer



नई दिल्ली, 24 अप्रैल, 2015

**का.आ. 874.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फ़ेडरल बैंक लि. प्रबंध तंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अरूनाकुलम के पंचाट (संदर्भ संख्या 6/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/04/2015 को प्राप्त हुआ था।

[सं. एल-12011/25/2010-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 24th April, 2015

**S.O. 874.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2011) of the ERNAKULAM as shown in the Annexure, in the industrial dispute between the management of Federal Bank Ltd. and their workmen, received by the Central Government on 24/04/2015.

[No. L-12011/25/2010-IR(B-I)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

**PRESENT :** Shri D.Sreevallabhan, B.Sc., LL.B,  
Presiding Officer

(Friday the 27th day of March, 2015/6th Chaitra, 1937)

#### ID 6/2011

Union	: The General Secretary Federal Bank Employees Union Central Office PB No. 10 Aluva-683101 By Adv. Shri C. Anil Kumar
Management	: The Chairman Federal Bank Ltd. Federal Towers, PB No.103 Aluva-683101 By M/s. B. S. Krishnan Associates

This case coming up for final hearing on 04.03.2015 and this Tribunal-cum-Labour Court on 27.03.2015 passed the following:

#### AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government/Ministry of Labour *vide* Order No. L-12011/25/2010-1R(B-I) dated 07.03.2011 referred the industrial

dispute scheduled thereunder for adjudication to this tribunal.

#### 2. The dispute is:

"Whether the action of the management of Federal Bank in imposing penalty of compulsory retirement from service *vide* order dated 17.01.2009 on Shri K.K. Sasikumar, Ex-Clerk is legal and justified? To what relief the workman is entitled?"

3. The workman, while working as Typist-cum-Clerk in the Regional Office of the management bank at Kozhikode, was placed under suspension with immediate effect by issuing order dated 28.04.2007. Afterwards a memo of charges was issued to him for the alleged acts of gross misconducts of (a) drunkenness or riotous or disorderly or indecent behaviour on the premises of the bank; (b) wilful insubordination or disobedience of any lawful and reasonable order of the management or of a superior and (c) doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss as per the Bipartite Settlement dated 10.04.2002 on Disciplinary Action and Procedure. He was called upon to submit his explanation within 10 days from the date of receipt of the copy of the charge sheet but no explanation was given by him. An enquiry was ordered to be conducted by appointing Shri Satheesh P.K. Senior Manager, PIR Department as the enquiry officer. After conducting enquiry he had submitted enquiry report dated 26.03.2008 to the disciplinary authority. Disciplinary authority after furnishing the copy of the enquiry report to the workman and after hearing him accepted the findings of the enquiry officer and issued notice proposing the penalty of compulsory retirement with superannuation benefits for the misconduct of disorderly or indecent behaviour on the premises of the bank and reduction of basic pay by one stage for the misconduct of doing any act prejudicial to the interest of the bank. After having personal hearing disciplinary authority imposed the proposed penalty as per order dated 17.09.2008. Against that order workman preferred an appeal before the appellate authority and the same was dismissed on 09.01.2009. Hence he had raised the industrial dispute challenging the penalty imposed on him and the same has resulted in this reference.

4. Union filed claim statement challenging the validity of the enquiry on the grounds of non-compliance of the principles of natural justice in conducting the enquiry, non-examination of material witnesses and perversity of the findings of the enquiry officer. Challenge is also made as to the legality of the penalty imposed on him on the ground that it is disproportionate to the charges proved in the enquiry. The appeal filed by him against the order of imposition of penalty was dismissed without considering his submission. Hence he prays for setting aside the order of punishment and for directing the management to reinstate him with full back wages, continuity of service and other consequential benefits.

5. In the written statement management, after denying the allegations in the claim statement challenging the validity of the enquiry, contended that disciplinary action was initiated against the workman due to his abnormal and riotous behaviour, manhandling of his co-workers and attempt to manhandle Deputy General Manager on 16.04.2007. The enquiry was conducted in accordance with rules and upholding the principles of natural justice. The enquiry officer entered into the findings against him based on the evidence adduced in the enquiry. After receipt of the copy of the enquiry report workman had submitted his reply dated 17.04.2008. Disciplinary authority proposed the punishment of compulsory retirement with superannuation benefits *vide* order dated 29.07.2008 and imposed the punishment after having a personal hearing on 19.08.2008 *vide* order dated 17.09.2008. The appellate authority re-appreciated the evidence and dismissed the appeal *vide* order dated 09.01.2009. In the enquiry the workman was defended by an advocate of his choice. All the four witnesses examined from the side of the management were cross examined by the defence representative. Opportunity was given to the workman to adduce evidence but he did not adduce any evidence. The allegation that material witnesses were not examined to prove the allegations is denied. The evidence of the four witnesses examined in the enquiry was sufficient enough to prove the allegations levelled against him. Consumption of intoxicating substance by the workman, even if taken as not proved, cannot absolve the workman of the charges of riotous, disorderly or indecent behaviour, wilful insubordination and acting prejudicial to the interest of the bank. The punishment imposed on the workman is neither disproportionate nor harsh or excessive. There was no extenuating circumstance to take any leniency in the matter of imposition of penalty. The riotous and disorderly behaviour of the workman during office hours and consequently taking him to hospital affected the image and reputation of the bank. Since the charges proved against the workman are grave and serious the punishment imposed on him is just, legal, proper and proportionate to the charges proved in the enquiry. Hence he is not entitled to any relief as claimed in the claim statement.

6. Union did not file any rejoinder in spite of the opportunity given for that purpose.

7. As there was challenge as to the validity of the enquiry the same was dealt with treating it as a preliminary issue. For the purpose of deciding the validity of the enquiry the enquiry officer was examined as MW1 and the enquiry file was marked as Ex.M1. The enquiry was found to be valid by this Tribunal as per the Preliminary Order dated 16.12.2014. Since the enquiry was found to be valid the ID was posted for final hearing and the arguments for both sides were heard.

8. The points for determination are:—

- i. Whether the domestic enquiry conducted against the workman was fair and in accordance with the principles of natural justice?
- ii. Whether the findings entered into against the workman in the enquiry call for any interference by this Tribunal?
- iii. Whether the punishment imposed on the workman is proportionate to the misconducts?
- iv. Whether the workman is entitled to any relief?

9. *Point No. (i):*— As per the Preliminary Order dated 16.12.2014 it was found the enquiry was conducted in a fair and proper manner affording reasonable opportunity to the workman and without violating the principles of natural justice. As the enquiry was found to be valid as per the preliminary order no further probe is required with regard to that issue and the same will form part of the award.

10. *Point No. (ii):*— The charges for the three gross misconducts were levelled against the workman based on the allegations in the chargesheet dated 23.05.2007. It reads thus:

"III(a). It is reported that Shri Sasikumar K.K. had been creating problems and behaving abnormally in the office premises from the morning of 26.04.07 presumably under the influence of some tobacco/other item consumed by him for intoxication. At about 1.15 PM when Shri Sethumadhavan, Chief Manager went to the statement section, Shri Sudheerkumar C.M., Ty. cum Clerk complained that Shri Sasikumar, who was sitting next to him, has been behaving very badly from morning onwards and attempting to manhandle him. When Shri Sethumadhavan enquired the matter with Shri Sasikumar, the latter told him that he was not keeping well and wanted to drink some water and take rest and moved to the dining room. The behaviour of Shri Sasikumar at that time was not found normal.

(b) That while moving to the dining room, Shri Sasikumar went straight to Shri Sudheerkumar and tried to slap his face without any provocation. On noticing this, Shri Sethumadhavan suddenly interfered, which prevented Shri Sasikumar from slapping Shri Sudheerkumar. However Shri Sasikumar pushed Shri Sudheerkumar and went to the dining room.

(c) On entering the dining room Shri Sasikumar found Shri Salim, driver of DGM taking food. At once without any provocation, Shri Sasikumar slapped and manhandled Shri Salim. In between Shri Sasikumar manhandled some



of his colleagues and slapped Shri Abdulla P, Senior Manager also.

- (d) On seeing this violent situation, Shri Sethumadhavan, Chief Manager tried to pacify Shri Sasikumar and persuaded him to move from the banking hall to the front lobby. While they were moving to the front lobby, Shri Sasikumar tried to hit Shri Sethumadhavan on his back, which was prevented by Shri Abdulla T, Record Clerk.
- (e) Thereafter Shri Sethumadhavan went to the cabin of Dy. General Manager to take his permission to send Shri Sasikumar home. However Shri Sasikumar also followed Shri Sethumadhavan and entered the cabin of Dy. General Manager. In the cabin of Dy. General Manager, while Shri Abraham M. Jacob, Dy. General Manager was discussing the matter with Shri Sethumadhavan, Shri Sasikumar moved to the table of Dy. General Manager and raised his hands to hit him. As Shri Sasikumar was in a violent mood creating riotous and disorderly behaviour, he was forcibly taken out of the cabin by tying his hands from back with cloth.
- (f) All throughout, Shri Sasikumar was yelling and trying to kick with his foot at any one coming near. He also continued to behave violently in manner hitting/punching his colleagues and disrupting the normal functioning of the office."

11. The enquiry against the workman was conducted with three sittings on 21.11.2007, 05.01.2008 and 09.02.2008 at Regional Office, Kozhikode. In the enquiry on behalf of the management MW1 - Shri Salim, Driver of the then Deputy General Manager MW2 - Shri Tomy John, Senior Manager, Kozhikode Branch, MW3 - Shri Abdulla P, Senior Manager and MW4 - Shri M. Sethumadhavan, the then Chief Manager, Regional Office were examined and Exts. ME-1 to ME-5 were marked. Workman did not adduce any oral evidence. The document relied upon by him was marked as DE-1. After considering the evidence the enquiry officer entered into the findings that the gross misconducts or riotous or disorderly or indecent behaviour on the premises of the bank and doing any act prejudicial to the interest of the bank are proved. Those findings were accepted by the disciplinary authority and the penalty of compulsory retirement with superannuation benefits was imposed for the gross misconduct of riotous or disorderly or indecent behaviour on the premises of the bank and reduction of basic pay by one stage for the misconduct of doing any act prejudicial to the interest of the bank. The findings as well as the imposition of penalty were upheld by dismissing the appeal filed by the workman before the appellate authority.

12. As the enquiry is found to be valid it is not necessary to have a reappraisal of the entire evidence as in appeal since the findings were arrived at by the enquiry officer based on the evidence adduced in the enquiry. The evidence is to be looked into only for the limited purpose of considering the question as to the imposition of penalty.

13. Before considering the evidence it is to be pointed out that in disciplinary proceedings the standard of proof required is that of preponderance of probabilities and not proof beyond reasonable doubt like in a criminal case. If there are some relevant materials accepted by the disciplinary authority which reasonably support the conclusion that the workman is guilty it is not the function of the tribunal to review the materials. If the enquiry has been properly held the question of adequacy or reliability of evidence cannot be canvassed before this tribunal.

14. In the decision reported in *BC Chaturvedi Vs. Union of India*. (1995) 6 SCC 749 it was held:—

"Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein apply to disciplinary proceeding. When the authority accepts the evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The court/tribunal in its power of judicial review does not act as appellate authority to reappraise the evidence and to arrive at its own independent findings on the evidence. The court/tribunal may interfere, where the authority holds the proceedings against the delinquent officer in a manner inconsistent with the rules or natural justice or in violation of statutory rules prescribing the mode of enquiry or whether the conclusion or finding reached by the disciplinary authority is based on no evidence, if the conclusion or findings be such as no reasonable person would have reached, the court/tribunal may interfere with the conclusion or finding and mould the relief so as to make it appropriate to the facts of the case".

15. The jurisdiction of the tribunal to interfere with disciplinary matters for punishment cannot be equated with an appellate jurisdiction and the tribunal cannot interfere with the findings of the enquiry officer or competent authority where they are not arbitrary or utterly perverse. If there has been an enquiry consistent with the rules and in accordance with the principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority and if the penalty can be lawfully imposed and is imposed on the proved misconduct the tribunal has no power to substitute its own discretion for that of the authority.

16. In the decision reported in *The General Secretary, South Indian Cashew Factories Workers' Union Vs. The Managing Director, Kerala State Cashew Development*

Corporation Ltd. & Ors. AIR 2006 SC 2208 it was held that if the enquiry was conducted fairly and properly in the absence of any allegations of victimization or malafides or unfair labour practice Labour Court has no power to interfere with the punishment imposed by the management.

17. It is also to be pointed out that in Chathurvedi's case (Supra) it was held:

"A review of the above legal position would establish that the disciplinary authority and in appeal the Appellate Authority being fact finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal while exercising power of judicial review cannot normally substitute its own conclusion or penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directly, the disciplinary/Appellate Authority to reconsider the penalty imposed, or to shorten the litigation, it may be itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

18. Keeping in mind the above principles enunciated in those decisions it is to be considered whether there is any reason to interfere with the penalty imposed on the workman. As it is already found that the enquiry was conducted in a fair and proper manner without violating the principles of natural justice there is no scope for any interference with the findings of the disciplinary authority unless it is perverse or based on no evidence.

19. Here in this case there is ample evidence to prove the abnormal, disorderly, riotous behaviour of the workman and his admission in the hospital on 26.04.2007. MWs 1, 2 and 4 have given evidence to prove the allegations as to the disorderly and riotous behaviour. There is no reason to disbelieve their version as to the alleged incident on 26.04.2007. There is also the documentary evidence to support their version. The enquiry officer has given valid reasons for accepting their version. There is no reason to disbelieve them. It is clearly proved that the workman was behaving in a riotous or disorderly manner for reasons best known to him. Even though it is alleged that it may be due to intoxication there is no reliable evidence to prove the same. From ME-5 it can be seen that the workman was brought to casualty with aggressive and violent behaviour at 2.20 PM on 26.04.2007. After examination he was found to have paranoid features. He was admitted in the hospital and was discharged on 27.04.2007. The doctor who issued ME-5 is not seen examined from the side of the workman to ascertain whether he was suffering from any mental illness.

There is no case for the workman that the abnormal, disorderly was due to any psychiatric problem. It is not a matter which requires consideration since the disorderly and riotous behaviour itself is a gross misconduct without any proof of intoxication or any other reason. The provision in the Bipartite Settlement dated 10.04.2002 contemplates only proof of drunkenness or riotous or disorderly or indecent behavior on the premises of the bank as a misconduct. Here in this case there is sufficient evidence to prove that the workman behaved in a riotous and disorderly manner on the premises of the bank.

20. The enquiry after analyzing the evidence in the enquiry entered into the findings after assigning valid reasons. There is no reason to hold that the findings are perverse. Conclusion reached by the enquiry officer cannot be said to be of such a nature as no reasonable person would have ever reached. On a careful scrutiny of the evidence adduced in the enquiry I do not find any reason to interface with the findings of the enquiry officer which was accepted by the disciplinary authority and upheld by the appellate authority.

21. *Point No.(iii):*— The penalty imposed by the disciplinary authority for the two misconducts cannot be said to be shockingly disproportionate to the proved misconduct. In the decision reported in State of Rajasthan Vs. Mohammed Ayub Naz 2006 (1) KLT 581 (SC) it was held:

"In determining the quantum role of administrative authority is primary and that of Court is secondary, confined to see if discretion exercised by the administrative authority caused excessive infringement of rights. The court/tribunal cannot interfere with the findings of fact based on evidence and substitute its own independent findings and that where findings of disciplinary authority or appellate authority are based on some evidence Court/Tribunal cannot re-appreciate the evidence and substitute its own findings."

22. There is no reason to interfere with the findings as to the charges levelled against him and the imposition of penalty by the disciplinary authority which was confirmed by the appellate authority. Considering the proved misconducts as well as the other facts and circumstances it can be held that the penalty imposed on the workman is not disproportionate to the misconducts and it does not call for any interference by this tribunal.

23. *Point No.(iv):*—In the result an award is passed holding that the action of the management of Federal Bank in imposing the penalty of compulsory retirement from service *vide* order dated 17.01.2009 on Shri K. K. Sasikumar, ex-clerk is legal and justified and hence he is not entitled any relief.

The award will come into force one month after its publication in the Official Gazette.

D. SREEVALLABHAN, Presiding Officer

**APPENDIX****Witness for the union** - NIL**Witness for the management**

MW1 27.03.2014 Shri Satheesh P. K.

**Exhibit for the union** - NIL**Exhibit for the management**

M1 - Enquiry file

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
ERNAKULAM****PRESENT :** Shri D. Sreevallabhan, B.Sc., LL.B,  
Presiding Officer(Tuesday the 16th day of December, 2015/25th  
Agrahayana, 1936)**ID NO. 6/2011**

**Union** : The General Secretary,  
Federal Bank Employees Union  
Central Office  
P. B. No. 10  
Aluva - 683101  
By Adv. Shri C. Anilkumar

**Management** : The Chairman  
Federal Bank Ltd.  
Federal Towers  
P. B. No. 103  
Aluva - 683101  
By M/s. B. S. Krishnan; Associates

This case coming up for preliminary hearing on  
01.12.2014 and this Tribunal-Cum-Labour Court on  
16.12.2014 passed the following :—

**PRELIMINARY ORDER**

This is a reference under Section 10(1)(d) of the  
Industrial Disputes Act, 1947 (14 of 1947).

2. Disciplinary proceedings was initiated against the  
workman, while he was working as typist-cum-clerk in the  
Regional office of the management bank, Kozhikode after  
placing him under suspension vide order dated 28.04.2007.

3. He was issued with a chargesheet dated 23.05.2007  
for the acts of misconducts of (a) drunkenness of riotous or  
disorderly or indecent behaviour on the premises of the  
Bank; (b) willful insubordination or disobedience of any  
lawful and reasonable order of the management or of a  
superior; and (c) doing act prejudicial to the interest of the  
Bank or gross negligence or negligence involving or likely  
to involve the Bank in serious loss.

4. The allegations levelled against him are that on  
26.04.2007 he had behaved in a riotous and violent manner,  
physically manhandled some of his colleagues including

Senior Manager, attempted to beat/manhandle the Chief  
Manager and the Deputy General Manager of the Regional  
Office, behaved in an erratic manner by hitting/punching  
his colleagues and created commotion affecting the  
functioning of the office.

5. He was called upon to submit his explanation within  
ten days from the date of receipt of the copy of the  
chargesheet, but no explanation was given by him. Shri  
Satheesh P.K., Senior Manager, PIR department was  
appointed as the enquiry officer to conduct an enquiry.  
After conducting enquiry he had submitted enquiry report  
dated 26.03.2008 to the disciplinary authority. Disciplinary  
authority after furnishing a copy of the enquiry report to  
him and after having a personal hearing imposed the penalty  
of 'Compulsory retirement with superannuation benefits'.  
Challenging the penalty imposed on him he had preferred  
an appeal before the Appellate Authority. The Appellate  
Authority after hearing him dismissed the appeal vide order  
dated 09.01.2009. Hence he had raised the industrial dispute  
challenging the penalty imposed on him which has resulted  
in this reference.

6. In the claim statement the validity of the enquiry is  
challenged alleging that the enquiry conducted against  
him was a false enquiry and the same is vitiated for non-  
compliance of the principles of natural justice. The findings  
of the enquiry officer are stated to be totally perverse and  
not based on any legally sustainable evidence. Challenge  
is also made with regard to the penalty imposed on him  
alleging that it is too harsh and is disproportionate to the  
charges levelled against him.

7. In the written statement management would deny  
the allegations made in the claim statement challenging the  
validity of the enquiry, the findings of the enquiry officer  
and about the proportionality of the penalty imposed on  
him.

8. As there is challenge as to the validity of the enquiry  
the same has been considered treating it as a preliminary  
issue. For that purpose MW1 was examined and Ext.M1  
was marked from the side of the management.

9. The only point that arises for consideration for  
deciding the preliminary issue is whether the enquiry is  
vitiated for non-compliance of the principles of natural  
justice.

10. In the claim statement it is alleged that no  
explanation was called for from the workman before the  
issuance of the chargesheet and hence denied of the  
opportunity to explain his stand before ordering the enquiry.  
There is no rule which requires that explanation is to be  
called for before issuing chargesheet. It is not at all  
necessary to call for any such explanation before the  
issuance of the chargesheet. The workman was called upon  
to submit his explanation to the chargesheet within ten  
days after the receipt of the chargesheet. He has given the  
opportunity to submit the explanation with regard to the

charges levelled against him. So no prejudice has been caused to the workman for the reason that no explanation was called for before the issuance of the chargesheet.

11. The enquiry officer posted the enquiry to 08.08.2007 and as per the request made by the workman it was adjourned to 05.09.2007 and then to 25.10.2007. In the meanwhile an advocate was appointed as defence representative as per the request made by him. Afterwards when the enquiry stood posted on 21.11.2007 three witnesses were examined and five documents were marked from the side of the management. The enquiry was then posted to 22.07.2007 and due to administrative reasons it was posted to 05.01.2008. On that day one witness was examined for the management. After closing the evidence of the management the enquiry was posted to 02.02.2008 as per the request made by the defence representative for granting adjournment to adduce defence evidence. Due to administrative reasons the enquiry was posted to 09.02.2008. No oral evidence was adduced from the defence side. One document was marked for the defence side. On that day argument note styled as statement was filed from the defence side. After the conclusion of the enquiry the enquiry officer submitted the enquiry report to the disciplinary authority. Disciplinary authority forwarded a copy of the enquiry report to the workman vide letter dated 02.04.2008 for which the workman submitted a reply dated 17.04.2008. After that the disciplinary authority issued notice proposing penalty vide letter dated 29.07.2008. After having a personal hearing on 19.08.2008 the disciplinary authority vide order dated 17.09.2008 imposed the penalty on him.

12. There is nothing to show that there is any violation of the principles of natural justice and denial of opportunity to the workman. The workman was represented by an advocate in the enquiry. Sufficient opportunity is seen to have been given to the workman to adduce evidence. The penalty was imposed by the disciplinary authority after serving copy of the enquiry report and after having a personal hearing. Nothing has been argued by the learned counsel to satisfy that there is any violation of the principles of natural justice. There is no irregularity or impropriety in the enquiry. It cannot be said that the enquiry is vitiated for any reason. Hence the enquiry is found to be legal and valid.

D. SREEVALLABHAN, Presiding Officer

#### APPENDIX

<b>Witness for the Union</b>	NIL
<b>Witness for the Management</b>	
MW1 - 27.03.2014	Shri Satheesh P. K.
<b>Exhibit for the Union</b>	NIL
<b>Exhibit for the Management</b>	
M1 - Enquiry File	

नई दिल्ली, 24 अप्रैल, 2015

**का.आ. 875.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट (संदर्भ संख्या 1232/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/04/2015 को प्राप्त हुआ था।

[सं. एल-12012/88/2005-आईआर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 24th April, 2015

**S.O. 875.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1232/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh, as shown in the Annexure, in the industrial dispute between the management of State Bank of Patiala and their workmen, received by the Central Government on 24/04/2015.

[No. L-12012/88/2005-IR (B-I)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**PRESENT :** Sri A.K. Rastogi, Presiding Officer

**Case No. I.D. 1232/2005**

**Registered on 19.12.2005**

Shri Raju Kumar S/o Sh. Leela Ram, R/o No. 208-F, Railway Colony, Jagadhri Workshop, Distt. Yamunanagar (Haryana).

..... Petitioner

#### VERSUS

The Branch Manager, State Bank of Patiala, SGNK, Branch 646, Jagadhari Workshop, Distt. Yamunanagar (Haryana).

.... Respondent

#### APPEARANCES

**For the workman** Shri Neelam Singh Advocate

**For the Management** Sh. N.K. Zakhmi Advocate

#### AWARD

Passed on 12.04.2013

Central Government vide order No. L-12012/88/2005-IR(B-I) dated 18/11/2005 by exercising its powers under Section 10 Sub-Section (1) Clause (d) and Sub-Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter



referred to as 'Act') has referred the following Industrial dispute for adjudication to the Tribunal:—

"Whether the action of the management of State Bank of Patiala, SGNKS, Jagadhari in terminating the services of Sh. Raju Kumar w.e.f. 28.2.2004 without any notice and payment of retrenchment compensation is illegal and unjustified? If so to what relief the concerned workman is entitled to and from which date?"

The case of the workman is that he had been appointed by the respondent bank as Sweeper on daily wages w.e.f. 1.1.2001. He worked as such up to 28.2.2004. His service were however terminated on 28.2.2004 because he had approached the management for his regularization. It has been contended that the workman had completed 240 days in current financial year in continuous service without any break and his services were terminated without any notice and compensation in violation of Section 25F of the Act. After the termination of his services one Ghallnee Rinku was appointed as Sweeper by the management against the provisions of the Act. He has prayed for his reinstatement with continuity of service and back wages.

The claim was contested by the management. It was denied that the workman was in the employment of the management. According to the management the workman was doing the job of sweeping in the bank premises on contract basis at mutually agreed rate. He was paid sweeping charges against cash vouchers. There was no question of terminating his services. It was also denied that the workman worked up to 28.2.2004. According to the management he had worked only up to 28.10.2002 and had left the job if his own thereafter. It was also denied that any person was employed in his place in violation of Section 25H of the Act. According to the management the claim of the workman has no merits.

In evidence the workman examined himself while on behalf of management S.C. Verma Deputy Manager of the bank was examined.

On behalf of the workman written arguments were submitted which were perused by me. I heard the learned counsel for the management and went through the evidence on record.

It has been argued in the written arguments of the workman that the copies of payment vouchers are available on record and marked as Exhibit WW1/1 to WW1/22 in the cross-examination of the workman. It clearly shows that the workman worked with the bank and he was paid wages through these vouchers and the appointment of the workman was against the regular and permanent post. Further the management admits that the service of the workman was for cleaning the branch premises hence the

stand of the bank that the workman was not in his employment is contradictory and it is wrong to allege that employment of the workman was on contract basis.

The learned counsel for the management argued that the workman was not in the employment of the bank. From its statement in cross-examination it is clear that he had not been given any appointment letter, he had not been engaged through employment exchange or by advertising post and wages were being paid as per the agreed rate on vouchers.

The learned counsel argued that there is nothing in the evidence of the workman to show that he was in the employment of the bank. Against it from the statement of management-witness it is clear that the engagement of workman was on contract basis and his work was only for an hour-a-day. From the statement of the management-witness it is also clear that there was no regular post of sweeper and it was in 2004 only that a post of part time sweeper was created in the bank.

From the evidence on record it is clear that the workman had been doing the sweeping job in the bank. From the vouchers available on record it is also clear that he was being paid for the days he worked. He was a daily rated wage doing the sweeping job in the bank premises at the agreed rate. Vouchers WW1/1 to WW1/22 are not in the name of any individual. The amount shown in the vouchers is debited as charges A/c (misc) as 'bank premises cleaning charges'. The vouchers further confirm the bank's case that the workman worked up to 28.10.2002. Simply on the ground that he was getting wages from the bank it cannot be accepted that he was in the employment of the bank. The nature of the job and mode of payment suggest that his engagement was on contract basis and since the workman was not in the employment of the bank his termination by the bank cannot be accepted. It is thus clear that the workman was not in the employment of the respondent bank and his services were not terminated by the bank. Reference is accordingly decided against the workman. Let two copies of the award be sent to the Central Government for further necessary action.

ASHOK KUMAR RASTOGI, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2015

**का.आ. 876.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार काशी गोमती समयत ग्रामीण बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 68/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/04/2015 को प्राप्त हुआ था।

[सं. एल.-12012/37/2012-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी



New Delhi, the 24th April, 2015

**S.O. 876.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 68/2012) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Kashi Gomti Samyut Gramin Bank and their workmen, received by the Central Government on 24/04/2015.

[No.-L-12012/37/2012-IR(B-1)]

SUMATI SAKLANI, Section Officer

**ANNEXURE**

**BEFORE THE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOR COURT, KANPUR**

**Industrial Dispute No. 68 of 2012**

**BETWEEN**

Sri Pramod Kumar Singh,  
Village Dhundhapur,  
Post Bhanupur,  
District-Jaunpur.

**AND**

The Chairman,  
Kishi Gomti Samyut Gramin Bank,  
Fatman Road, Sigra, Varanasi.

**AWARD**

1. Central Government, Mol, New Delhi, vide notification No. L-12012/37/2012-IR (B-1) dated 20.07.2012, has referred the following dispute for adjudication to this Tribunal.
2. Whether the action of the management of Kashi Gomti Samyut Gramin Bank in terminating the services of Sri Pramod Kumar Singh, *w.e.f.* 09.08.2011 is legal and justified? To what relief the workman is entitled?
3. At the very outset it may be pointed out here that it would be absolutely a futile exercise on the part of the tribunal to detail the claim filed by the workman in the present case as vide application paper no. 5/1 received through post in the office of the tribunal, the workman has made certain allegations against his representative and on that count he has requested that under the facts and circumstances mentioned in the application, his case be decided finally as he is not inclined to contest the case before this tribunal.
4. After the filing of the above application the management filed its reply in the case but the reply of the management is meaningless in the present circumstances as the same could not be

taken in the cognizance.

5. In view of what has been explained hereinabove, the tribunal has no option but to decide the reference as not pressed and accordingly the claim of the workman is decided as not pressed against him.
6. For the above reasons, the workman is held entitled for no relief as per terms of reference order.
7. Reference is decided accordingly against the workman and in favour of the opposite party.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 24 अप्रैल, 2015

**का.आ. 877.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर मध्य रेलवे प्रबंधन तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 05/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 24/04/2015 को प्राप्त हुआ था।

[सं. एल-41011/67/2008-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 24th April, 2015

**S.O. 877.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 05/09) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of North Central Railway and their workmen, received by the Central Government on 24/04/2015.

[No. L-41011/67/2008-IR(B-I)]

SUMATI SAKLANI, Section Officer

**ANNEXURE**

**BEFORE THE PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

**Industrial Dispute No. 05/09**

**BETWEEN**

Sri Iliyas son of L. Madan Lal,  
Village & Post Saiya, Near B Cabin,  
Railway Station Jajau,  
District Agra.

**AND**

The Divisional Railway Manager,  
North Central Railway, Jhansi.

**AWARD**

1. Central Government, Mol, New Delhi, *vide* notification No. L-41011/67/2008-IR (B-1) dated 12.01.2009, has referred the following dispute for adjudication.
2. Whether the action of the management of Divisional Railway Manager, North Central Railway, Jhansi, by not giving compassionate appointment to Sri Illiyas on the death of his father Sri Madan Lal, Gangman, under PWI, Faridabad, is fair, just and legal? If not to what relief Sri Illiyas is entitled?
3. The case as set up by the union on behalf of the claimant is that his father being a railway employee died in harness on 31.08.80, and the widow of deceased employee without causing any undue delay applied before the opposite party to provide her appointment on compassionate ground and this fact has also been admitted by the opposite party. At the time of death of her husband his son was only 3 years of age and after attaining majority i.e. completing the age of 18 years an application on behalf of the claimant was moved before the opposite party for compassionate appointment in place of his deceased father. According to High School Certificate the date of birth of the claimant is 07.08.77. It is alleged that irrespective of the fact that the claimant moved before the opposite party in terms of Railway Boards Circular dated 6-10-96 and 30.11.99, which, *inter alia*, provide as under—
 

Attention is invited to Board's letter No. E (NG)II/84/RC-1/26 dated 06-10-95 in terms of which the GMS are empowered to consider time barred cases which are 20 years old from the date of death of the Railway Employee, provided appointment is sought for the first son/.first daughter and that application for appointment is submitted within 2 years of attaining the age of majority by the candidate, those powers have since been redelegated to DRMs/CWMs/HODs vide Board's letter dated 30.11.99.
4. The opposite party had not considered the claim of the claimant. It is further stated that in other cases also this tribunal has allowed the claim of the claimants for appointment on compassionate grounds. The claimant belongs to minority class and is not having any movable or immovable assets and the mother of the claimant is drawing very much pension which is not sufficient to meet out the family expenses, therefore considering the plight of the claimant and her widow mother he may be allowed compassionate appointment.
5. On the basis of above it has been prayed that the claimant may be allowed service under the opposite party on compassionate ground from the date he attained the age of 18 years as per provision of railway circulars.
6. Opposite party has filed written statement wherein it has been admitted by them Sri Madan Lal expired on 31.08.80. His wife Smt. Jaitun had applied for appointment on compassionate ground and the same was offered to her and vide letter dated 30.06.93, it is clear that she was asked to attend the office on 08.12.89 and 10.01.90 but she failed to attend the office and it revealed that she is not willing to accept appointment dated letter dt. 30.06.93. She was further informed to attend the office on 20.07.93 failing which her case for compassionate ground will be closed and her right to compassionate ground appointment will be forfeited. The opposite party has denied the applicability of the boards letter mentioned in para 2 of claim petition as the same is not having any retrospective effect. As the mother did not avail the opportunity of appointment on compassionate ground by presenting herself in the office of the opposite party therefore, she is not entitled for compassionate appointment. The present claim has been preferred after elapse of more than 15 years. The claim of the claimant after 14 years of attaining the age of majority is not maintainable. According to the circular only his/her husband/ wife is having first right for consideration of appointment on compassionate ground on account of death of a railway employee. After the death of Sri Madan Lal, his wife was offered compassionate appointment for which she never turn up in due course and reasonable time given by the opposite party therefore, at this belated stage her son cannot claim compassionate appointment.
7. The opposite party has filed certain documents in the shape of photocopies with their reply out of which annexure No. 1 is dated 30.06.93 purported to be addressed to Smt. Jaitun wife of Madan Lal intimating that she was called to attend the office of the opposite party in connection with granting compassionate ground on 08.12.89 and 10.01.90, but you did not turn up therefore, it is desired that you must present yourself on 20.07.93 positively failing which right of compassionate appointment shall be forfeited. This document paper No. 8/8 has not been admitted by the claimant.
8. Annexure 2 paper No. 8/9 is letter of the wife of the deceased employee which was received by

- the opposite party on 19.07.96, wherein she has informed the authorities of the opposite party that her son had attained the age of 18 years therefore, he may be provided appointment on compassionate ground.
9. Annexure 3 paper No. 8/10 is again-is-again a representation of the widow Smt. Jaitun intimating the authorities that after long interval she received a communication dated 14.07.93, from the management wherein it was stated that she may attend the office of the opposite party by 20.07.93 and in response to that she appeared in the office of the opposite party on 16.07.93. The concerned officials called me in appointment department where she was advised to deposit the above letter. It was also mentioned in the said representation that on the ground of ill health she has requested that her son may be provided with appointment on compassionate ground. On this representation there appears an endorsement of some officer of the opposite party which depicts that the case of Smt. Jaitun wife of L. Madan Lal has already been closed *vide* DRM's order No. P/161/Dayaadhar/Bharti dated 30.06.93. No action can be taken for appointment of her son Sri Illiyas. Case may be closed.
  10. Annexure 4 is letter dated 01.07.97, on the subject of appointment on compassionate ground and was addressed to Smt. Jaitun. In this communication it has specifically been mentioned that repeated letters such as 08.12.89, 10.01.90 and one such last letter dated 30.06.93 were sent to her for reporting before the authorities of the opposite party in which it was clearly mentioned that in case of default in attending the office of the opposite party, claim for compassionate appointment will be forfeited by the management and thereby the opposite party regretted the claim for compassionate appointment of Smt. Jaitun.
  11. Management has further filed paper No. 8/12 representation of Smt. Jaitun dated 16.07.93, on which there appears an endorsement to connect the same with the file of Smt. Jaitun as desired by Asstt. Personnel Officer. There also appears some endorsement that the matter was discussed with ADRM(1) on 19.07.93. Ill advised that the widow has given in writing that at the time of giving application on 16.07.93 her son Shri Illiyas was minor.....
  12. Paper No. 8/13 is letter of the opposite party which is dated 29.07.97 by means of which it was informed to Smt. Jaitun that as Railway Administration has called for providing you appointment on compassionate ground and you did not received appointment and also that her son did not attained majority within 5 years of the date of death of your husband, therefore, compassionate appointment in the name of your son is not permissible under rules.
  13. The workman along with his claim statement has filed paper no. 5/7 which is the death certificate of his father wherein the deceased employee has been shown to be the son of Sri Ramjani and also that the deceased employee died on 31.08.1980, paper No. 5/8 the High School Certificate wherein the workman has been shown to be the son of Madan Lal Khan and his date of birth is recorded as 07.08.77, Paper No. 5/9 which is the letter of Ministry of Railways dated 28.07.2000, on the subject of Compassionate Ground. The said circular has been issued to the General Managers and All Zonal Railways. In the said circular it has been provided that the subject matter *i.e.* appointment on compassionate ground has been considered by the Board and it has been decided that the General Managers may also be authorized to consider the requests of compassionate appointments in respect of cases up to 20 years old in the following types of cases subject to the condition that those powers will be exercised by him personally and not to be delegated further, paper No. 5/8 is the Master Circular No. 16 Compendium on appointment on Compassionate grounds of which sub para (x) of paragraph clearly provides that where the widow cannot take up employment, Railway can keep the case for appointment on compassionate grounds open to enable consideration of appointment of a minor son when he attains majority, even though at the time of occurrence of the event making compassionate appointment permissible.....
  14. Apart from the above documents the claimant has also filed certain copies of award given by this tribunal on compassionate appointment.
  15. Whereas the workman has examined himself as w.w.1, the opposite party examined one Shri Ravindra Kumar, Assistant Personnel Officer of the opposite party.
  16. M.W.1 in his examination in chief has admitted that the concerned employee died on 31.08.80 in Railway Hospital, Jhansi. He has also admitted the fact that the wife of the deceased employee Smt. Jaitun has applied for appointment on compassionate ground and that the opposite party offered her for appointment on compassionate ground. He goes on to state that first letter is dated 08.12.89, second letter is dated 10.01.90 and last and third letter is dated 30.06.93

which were sent to her by post mentioning that by 20.07.93 she must visit in the office of the DRM Office, Jhansi, otherwise her claim will be forfeited. Since she did not present herself in the office of the opposite party it was presumed by the opposite party that the widow of the deceased employee is not interested in getting appointment on compassionate ground case is liable to be closed. He has further stated that *vide* letter dt. 25.09.97, it was made clear that there was no request for appointment of her son within 5 years of the death of the deceased therefore, request for appointment on compassionate ground in favour of her son is regretted.

17. In his cross-examination the witness has deposed that as he had not seen the service record of the deceased employee therefore, he cannot state the accurate age of the son of deceased employee. The witness has denied the suggestion that he ever received letter dated 16.07.93 for compassionate appointment of the son of the deceased employee and that the letter is signed by the Assistant Personnel Officer, and on receipt of the letter comments from the office superintendent were invited. To a question put by the court the witness admitted that the original of Annexure 6 is available on the file of the opposite party and on the direction of the court the original of annexure 6 was filed on the record of the instant case. He showed the reason for not giving appointment to Sri Illyas is that he had not attained the age of majority within 5 years from the date of death of the deceased employee. He has shown his ignorance about the factum of service of letters addressed to the widow of the deceased employee and it is wrong to say that the opposite party had not sent letter to the widow of the deceased and he admitted that the opposite party did not file the three letters and only one letter has been filed by the opposite party. It is correct that there is no receipt of sending the letters to the widow of the deceased employee nor there is any proof of service of the letter. Witness has further admitted that there is a provision for providing compassionate appointment up to 20 years from the date of the death of the deceased employee. Witness has also admitted the fact that opposite party received a request letter on 19.07.96 for giving compassionate appointment to her son on account of the fact that her son had attained the age of majority.
18. W.W.1 in his examination in chief has admitted that when he was aged about 3 years his father died and when her mother was refused employment the on attaining the age of majority

then my mother moved application for getting my employment in the railway. Before attaining the age of majority my mother in the year 1993 moved an application for appointment on my behalf because at that time my mother was informed that children of the age of 15 years can be employed a apprentice therefore, my mother gave application. He stated that he is the only son of his father and that his father has not left behind him any movable or immovable property. In his cross-examination he has stated that at present he is not working at any place and is out of job.

19. I have heard the arguments of the parties at length and have carefully perused the records of the case.
20. The main arguments advanced on behalf of the opposite party that the claim of the claimant is liable to be rejected as the opposite party had given all reasonable opportunity to the mother of the claimant for appointment on compassionate ground but when she failed to avail the opportunity the claim on compassionate ground was closed. He further argued that the management sent several letters inviting the mother of the claimant for compassionate appointment.
21. Contrary to that it was argued by the representative for the claimant that firstly the mother of the claimant applied for compassionate appointment for her son but she was refused on the ground that her son is minor and yet again she too was considered to be not interested in the appointment and as soon as his son attained the age of majority she again moved before the authorities of the railways for compassionate appointment of her son within the prescribed limit.
22. I have given my anxious considerations to the rival arguments of the parties and I find force in the arguments advanced by the representative for the claimant in the light of the provisions of Railway Board Circulars mentioned (*supra*). I also find from the records that the opposite party has simply filed photocopies of the letters of intimations and this fact too has been admitted by the management witness. Management witness in his cross-examination has clearly showed his ignorance about the mode of service of the letters nor the management has filed any documentary evidence to the effect that actually the alleged letters were ever served on the mother of the claimant at any point of time. In the absence of specific proof in this regard I am not inclined to believe the contention of the railway administration that the widow of the deceased employee did not turn up in their office and that



she was not interested in compassionate appointment for her son. Had actually the opposite party have sent the letters they must have filed reliable evidence in that respect. In the absence of the same the arguments of the representative for the opposite party stand rejected.

23. Now it will be seen as to whether the claim on the ground of compassionate appointment of the claimant is worth considerable or not.
24. On the above point the authorized representative of the workman has invited my attention to various circulars of the railways that has already been mentioned in the foregoing paragraphs of this award. At the cost of reiteration I may make it clear that Paper No. 5/9 which is the letter of Ministry of Railways dated 28.07.2000, on the subject of Compassionate Ground. The said circular has been issued to the General Managers and All Zonal Railways. In the said circular it has been provided that the subject matter *i.e.* appointment on compassionate ground has been considered by the Board and it has been decided that the General Managers may also be authorized to consider the requests to compassionate appointments in respect of cases up to 20 years old in the following types of cases subject to the condition that those powers will be exercised by him personally and not to be delegated further, paper no. 5/8 is the Master Circular No. 16 Compendium on appointment on Compassionate ground of which sub-para (x) of paragraph clearly provides that where the widow cannot take up employment, Railways can keep the case for appointment on compassionate grounds open to enable consideration of appointment of a minor son when he attains majority, even though at the time of occurrence of the event making compassionate appointment permissible.....
25. It is not in dispute that the date of birth of the claimant is 7th August, 1977 as per High School

Certificate copy of which is on record paper No. 5/8 has attained the age of majority in the year 1995, and her mother moved an application for appointment on compassionate ground paper No.8/10. This document has been filed by the opposite party with their reply. By a bare perusal of this letter it is abundantly clear that there appears endorsement of railways officers of date 16.07.97. Though no date is mentioned on paper No. 8/10 but from the endorsement it is clear that the said application has been moved short before the date of 16.07.97, *i.e.* Within two years from the date of attaining the age of majority by the claimant.

26. Under the facts and circumstance of the case and considering the relevant provision it is held that the claim for compassionate appointment was well preferred within the prescribed period *i.e.* within two years of attaining the age of majority by the claimed. As such claim of the claimant for compassionate appointment could not have been frustrated in the light of the relevant provisions of the own circulars by the railway administration.
27. In any view of the matter it cannot be said by railways administration that claim was not preferred by the claimed within stipulated period as provided from the date of death of the deceased employee in the light of the above provisions of the circular.
28. There appears merit in the claim of the claimant and the tribunal is of the opinion that the action of the railways administration in refusing the appointment to the claimant on compassionate ground is neither legal nor just.
29. Accordingly it is held that the claimant is entitled for appointment under the railway administration on compassionate ground.

SHUBHENDRA KUMAR, Presiding Officer